

NDSU Faculty Senate Agenda
September 14, 2020

- I. Call to Order
- II. Attendance
- III. Adoption of Agenda
- IV. Approval of previous meeting minutes from July 8, 2020
- V. Announcements
 - a. Dean Bresciani, President
 - b. Margaret Fitzgerald, Interim Provost
 - c. Carlos Hawley, Faculty Senate President
 - d. Florin Salajan, Faculty Senate President-Elect
 - e. Maggie Latterell, Staff Senate President
 - f. Matthew Friedmann, Student Body President
- VI. Committee Reports
 - a. Ad hoc COVID Committee
- VII. Consent Agenda
- VIII. Unfinished Business
 - a. Policy 336
 - b. Policy 352
- IX. New Business
 - a. Confirmation of Faculty Senate Parliamentarian, Ali Amiri
 - b. Senate Resolution—Holly Hassel
 - c. Policy 156.1
 - d. Policy 327
 - e. Policy 350.3
 - f. Policy 350.4
- X. Discussion
- XI. Adjourn

Emergency Faculty Senate Meeting
8/VII/2020
1:00pm via Zoom

- I. Call to order --called to order at 1:02
- II. Attendance/substitutions
 - a. Heather Fuller for Rebecca Woods
 - b. Jake Glower for Eric Asa
 - c. Attendance of Faculty Senators not documented; quorum achieved.
- III. Adoption of agenda--Motion to approve Rodgers, Asperin second; approved.
- IV. Approval of previous meeting minutes from 11/V/2020--Motion to approve McCourt, Andrianova second. Correct Harriger voting member. Approved with correction.
- V. Announcements
 - i. Dean Bresciani, President--Not Present
 - ii. Margaret Fitzgerald Interim-Provost
 - 1. *Updates on CARES act funding including budget requests. CARE budget request executive summary attached to minutes.*
 - 2. *Discussion about enforcement of face coverings--funding for masks for students who forget or do not have them. Planning now to include masks in the welcome package for students when they return to campus.*
 - 3. *Discussion about the set up for classrooms.*
 - 4. *Question about the requirement for delivery of courses--faculty who are not comfortable in the classroom due to health concerns, accommodations will be made; Hyflex allows instructors to teach remotely to a live classroom as well as synchronous participation by remote students. Currently not requesting a lot of medical documentation. Encouraged not to require Graduate students to teach face to face. Faculty should talk to department head for planning if need to teach remotely.*
 - iii. Birgit Pruess--NDUS COVID Planning research universities (NDSU/UND) work group report--Safety Officers from two universities are the chairs--masks required at both universities and requesting input from faculty representatives--concerns about microphone use in classrooms and concerns about sterilization--also concerns about testing. Birgit is the representative, contact her with concerns to be conveyed at the system level.
 - iv. Carlos Hawley, Faculty Senate President
 - 1. *Motivation for this meeting is the amount of communication from the faculty regarding concerns about returning to campus this fall.*

2. *Main concern is communication.*
3. *Suggestion of an ad hoc committee to develop policies including emeritus faculty.*
4. *Concerns about international students--ICE requiring students taking courses online courses only to be deported. Would like a response to this.*

v. Florin Salajan, Faculty Senate President-Elect

1. *Return to campus task force report--focused primarily on teaching concerns--recommendations sent to the administrative team (and attached to these minutes).*
2. *Margaret suggested that these are living documents and the recommendations are being addressed in different areas across campus.*
3. *Dr. Fitzgerald responded to and highlighted many of the faculty taskforce recommendations that have been addressed and are being implemented. Registration and Records is still working on fall schedule.*

VI. Consent agenda

- a. None

VII. Old business

- a. None

VIII. New business

a. Safe reopening of NDSU, Fall 2020

- i. Communication
- ii. Committee? Faculty voice.
- iii. Faculty rights
- iv. Curriculum

b. *Faculty discussion regarding the above included:*

1. *Request for additional resources and potentially a central place for teaching resources and defining the Hyflex model on our campus*
2. *Questions about contact tracing and testing of students when returned to campus--seating charts for classrooms to determine radius of exposure in the case of a positive case*
3. *Request for weekly communication with links to the deeper dive option to learn more about the issues and what is being done about them*
4. *Request for a place to submit questions and concerns with some response*
5. *ITS is working on the microphone issue and exploring options for the fall*

6. *Communication coming from many offices--request for a place for official communication. University relations COVID website is the main place for this communication.*
7. *Suggestion of an ad hoc committee for COVID concerns*
8. *Question about research with human subjects--guidelines sent out by RCA--Kristy Shirley is the contact person for this*

IX. Adjourn--2:40 Motion by McCourt, second by Rodgers

CHAT:

13:03:01 From Stuart Haring : Raise hand?

13:11:24 From diomo.motuba : Can this be used to buy hardware such as monitors?

13:12:50 From John Buncher (he/him) : What happens when they *don't* comply, though?

13:14:11 From John Buncher (he/him) : What if the student refused to leave?

13:14:21 From John Buncher (he/him) : Are we allowed to dismiss the entire class?

13:14:56 From Ryan Christiansen : If the students refuse to comply, they are choosing to put others in danger. How can we ethically continue to hold class in that situation?

13:15:36 From John Buncher (he/him) : I'd rather students miss out on a day of instruction than have a few students die.

13:15:38 From Marisol Berti : Do stipends for lab or class assistant have to be a graduate or undergraduate study? Can other professionals be hired part-time for helping in the class?

13:17:20 From kenneth.hellevang : Can it be specified in the syllabus that the student grade be penalized?

13:17:50 From Canan Bilen-Green : CARES fund can be used to hire graduate and undergraduate students. This fund is not for hiring part-time academics.

13:18:48 From Marisol Berti : can instructor take off the face covering while teaching?

13:19:21 From Ryan Christiansen : It's an ethical issue. We can't decide for other students in the classroom that it is safe with some students not wearing face coverings. Students will be reluctant to leave the room if they feel unsafe. It's an all-or-nothing situation. If one person is not being safe, then class for the day needs to end.

13:19:32 From Ben Bernard : You can request the face shields here:

13:19:33 From Ben Bernard : <https://gatewaytoscience.org/need-ppe/>

13:19:35 From John Buncher (he/him) : Agreed

13:19:36 From Ben Bernard : No cost

13:20:11 From Marisol Berti : can Plexiglass be added to podiums?

13:23:48 From scott.wood : Some recent studies have shown that the virus can be sustained in the air for much longer than supposed. This means that face shields, desk shields and spacing may not be sufficiently protective. The recommendations that people wear masks in buildings with poor circulation even if they are more than 6 feet away from others. So masks are the gold standard in protection, although I do sympathize with the drawbacks mentioned thus far.

13:24:46 From Mukhlesur Rahman : Can we hire international students as teaching assistants?

13:25:54 From Jon Sweetman : One concern I have for teaching with synchronous streaming (i.e. Hyflex) to students is limited internet for some students who may be quarantining.

Some students do not have the bandwidth, particularly more marginalized or disadvantaged students. Last spring, I gave up on synchronous streaming, as several of my students could not connect. Students that might not be able to have adequate internet may feel pressured to

attend face-to-face, even if potentially ill.

Is there any thought to how this might be managed?

13:26:10 From Laura Aldrich-Wolfe : Thank you Scott Wood. Agreed. The six foot guideline was intended for brief interactions not an hour in a classroom setting.

13:26:11 From Ryan Christiansen : If a teacher is teaching from a remote location, who will turn on the technology for the class?

13:28:12 From John Buncher (he/him) : Excellent question! Students forget their calculator and pen/pencil on test days, no reason they wouldn't forget their mask.

13:29:50 From John Buncher (he/him) : They *may* need to wear their mask in their private office space depending on the HVAC for the building.....

13:30:04 From andrew croll : Why can you not say that masks are required in NDSU buildings? why is it so hard for leadership here?

13:30:21 From Jill Hamilton : I was in the Union today more than 75% of the people I saw were not wearing masks

13:30:25 From Ryan Christiansen : Yes, masks are required indoors. Simple.

13:31:25 From John Buncher (he/him) : Will the communal areas in the Union either be closed or sufficiently spaced?

13:33:20 From katereindl : Is it possible to require students to indicate if they will be an in-class or online learner throughout the semester? Faculty feel this is important in deciding how to design their courses for the fall.

13:35:33 From John Buncher (he/him) : Does NDSU administration have a benchmark for what the circumstances are that would cause campus to go fully online for the fall? Such as, x number of student infections, or y number of hospitalisations, or z number of deaths?

13:35:53 From Jon Sweetman : Are there plans for contact tracing in NDSU this fall?

13:36:21 From changhui yan : Individual microphones for instructors is a good idea.

13:37:14 From Marisol Berti : Does anyone have a science -based publication that indicates that face coverings do work to protect us from the virus? if someone does please could you share it.

13:38:01 From Jon Sweetman : Prather, K.A., et al. (2020) Reducing transmission of SARS-CoV-2. Science. doi.org/10.1126/science.abc6197

13:38:13 From Marisol Berti : thanks

13:39:05 From Lydia Tackett : Agreed - those little clip microphones are relatively inexpensive, and I think a good investment, especially if we are still sharing the battery packs.

13:39:23 From John Buncher (he/him) : Agreed Lydia

13:41:06 From Pinjing Zhao : Also this Lancet article: DOI:[https://doi.org/10.1016/S0140-6736\(20\)31142-9](https://doi.org/10.1016/S0140-6736(20)31142-9)

13:41:10 From John Buncher (he/him) : AAU filed an amicus brief in the ICE lawsuit

13:41:25 From uwe : one would need a wireless mic for the classroom, still inexpensive?

13:42:03 From jeremy.jackson : Prather, K.A., et al. (2020) Reducing

transmission of SARS-CoV-2. Science. doi.org/10.1126/science.abc6197
doesn't appear to be an actual study?

13:42:48 From Pinjing Zhao : The Lancet one is an actual study

13:43:05 From Lydia Tackett : If you are in the classroom, you plug your clip microphone into the existing battery pack/transmitter, the microphone clip is ~\$20. If you are presenting from home/office, you can plug directly into your computer.

13:43:50 From uwe : cool - thanks

13:43:55 From Birgit Pruess : Do we know whether we would need a specific microphone? To make sure we can actually connect it?

13:44:44 From Lydia Tackett : Good question - some might have different connectors - it would be best if the school purchased them so that we know it's the right connection

13:44:45 From John Buncher (he/him) : I would *hope* the university would buy those in bulk and distribute them to faculty. The wireless transmitter in AGHILL 112 at least doesn't seem like it's a normal "headphone" jack.

13:44:51 From jeremy.jackson : "The Lancet one is an actual study"... kind of. It's a meta analysis with no studies included being randomized trial

13:45:54 From jeremy.jackson : It includes N95 masks in the studies

13:46:20 From Pinjing Zhao : Wouldn't randomized trial with control group be difficult for this type of study?

13:46:25 From Jessica Jensen to Florin Salajan (Privately) : Can we ask for the Provost to release our recommendations?

13:46:47 From jeremy.jackson : But necessary for causal inference

13:47:16 From Lydia Tackett : Good point - there's not that many lecture rooms (compared to the number of faculty that teach in them), so it makes more sense for a look at what the situation is in the rooms, and possibly replace a smaller number of those battery packs and transmitters - it's a better option than each individual faculty member making a purchase

13:48:01 From Birgit Pruess : I don't hear you Molly

13:48:12 From John Buncher (he/him) : Is anyone else having a very hard time hearing Molly?

13:51:12 From Jill Lodde Greives : yes

13:51:21 From jeremy.jackson : <https://www.nature.com/articles/s41591-020-0843-2>?

fbclid=IwAR20Mdbwsph1iFchWTArfZoPTEjUH7yxadC04_dVCKSrrrqazZLxLHbF7CM

13:52:49 From jeremy.jackson : Not covid but is randomized trial on university students <https://academic.oup.com/jid/article/201/4/491/861190?fbclid=IwAR0cZJLfYfB8Iiw0gwc1qcGgu-ldUSxGfMM-YE9zppJYtzukualQCjAeuZY#90093277>

13:52:56 From Matthew Smith : Are there planned summer workshops for HyFlex here at NDSU or are we supposed to find outside workshops to attend?

13:53:37 From scott.wood : It is offering both individual and departmental workshop sessions.

13:53:52 From scott.wood : IT that is.

13:54:25 From Matthew Smith : Thanks Scott.

13:55:05 From Carrie Anne Platt : Here's the link to request a consultation – https://www.ndsu.edu/its/learning_and_applied_innovation/consulting_professional_services/

13:55:56 From Carrie Anne Platt : The Learning and Applied Innovation team mentioned that doing department-level consultations could be most effective, because then they can reach more instructors, and folks can share teaching ideas with others in their discipline.

13:58:00 From Lydia Tackett : I'm hoping to receive guidance from NDSU about potential language we can use for contingency plans we can amend as needed

14:00:10 From thomas.desutter : Mark Strand presented a teaching contingency plan in May that others can use. The document was well done and is helpful. Should be in the FS minutes.

14:01:22 From Amelia Asperin : If that document is shared, can we also get information about which ones are done and which ones are NOT possible.

14:04:02 From Amy Gore : An NDSU "Frequently Asked Questions" for Hyflex teaching would be an outstanding resource

14:05:46 From Shannon Harriger : Thank you Molly! AGREE!

14:05:59 From Greta Gramig : Yes agree Molly!

14:06:15 From Ken Lepper : Yes, Molly, What the heck is HyFlex?

14:06:16 From Amelia Asperin : Agree, thanks, Molly!

14:06:18 From Shannon Harriger : no

14:10:04 From Laura Aldrich-Wolfe : They can do pooled testing, and then retest positive pools as individuals

14:10:49 From Fred Riggins : Medical experts expect there will be 40 to 50 million tests per month by Sept. With 330 million Americans there will be 1 in 7 people tested per month. It is not realistic to expect most students will be tested once per month or more.

14:11:49 From Jenny Linker : Any discussion on bringing students back to campus and going online for the first 2-3 weeks and then return to the classroom face-to-face?

14:13:57 From Dogan Comez : 1. Do we need to add a new area for the Hy-Flex teaching model and or COVID in our syllabi?

14:16:45 From kimberly.overton : How is enrollment looking for fall? And, do you anticipate students choosing not to return if most classes are on line?

14:17:38 From Laura Aldrich-Wolfe : I am really concerned that faculty are being asked to make decisions about their classroom based on their comfort-level, when faculty differ widely in their knowledge of viral transmission and epidemiology.

14:20:25 From Ken Lepper : Response to Kimberly Overton. Yes, my son is a junior at NDSU. I have had a chance to talk to many of his friends. Everyone of them have said they will take a semester off or year off if we are "on-line." They vastly prefer live courses and understand the quality difference.

14:24:01 From Ken Lepper : How do you raise your hand in Zoom?

14:24:42 From Birgit Pruess : Have to go at 2.35

14:24:42 From kimberly.overton : Go to participants, and you will see option by your name

14:25:12 From Jill Lodde Greives : sidewalks
14:25:18 From Carrie Anne Platt : My experience running the Virtual Orientation sessions with parents and incoming students corresponds with Ken's example. Many have told us they are coming to NDSU in the fall because we have face-to-face classes. Not scientific polling, but it's definitely been part of these conversations. I've done about 30 of these sessions so far.
14:25:28 From Ken Lepper : Thanks - got it.
14:28:22 From Greta Gramig : Yes I emailed all my enrolled students and asked if they planned to attend in person or virtually. They all said in person. Not one student plans to attend virtually.
14:29:03 From Carrie Anne Platt : You have faculty in the Department of Communication who specialize in Organizational Communication and/or Crisis Communication, who could offer helpful suggestions for process here. Not my speciality, but my colleagues are awesome!
14:29:07 From uwe : that is bad news
14:29:45 From kat : Do students understand that them attending in person doesn't necessarily mean the faculty will be there in person, using the hyflex model?
14:30:06 From Greta Gramig : Kat, I have been wondering that too.
14:32:06 From Ken Lepper : I think this issue of students in the classroom and faculty remote has the potential to really blow up in our face. The students will probably view this as "on-line" and not what they are paying for.
14:32:24 From Jacob Glower : It seems to me there's only one way Fall 2020 is going to work. We can't have 100% of our students attending class - it will result in infection rates going up. We can't have 0% of our students in class - politics and finances won't allow it. We need to have half or more of our students choosing to take classes remotely. That means it's the job of us, the faculty, to make our remote classes enticing enough that many students choose that option over face to face.
14:33:34 From Anastassiya Andrianova : 90 minutes is typically the duration of a faculty senate meeting; does this not apply to emergency meetings?
14:33:56 From uwe : the 50% only was my hope
14:34:06 From uwe : 50% online
14:34:43 From Andrew Green : I like to go out to eat too, but I am mature enough to understand that is not safe right now. Student needs and desires are one thing but this is an unprecedented situation and what everyone wants may not be possible
14:35:57 From Ken Lepper : What does the going out to eat comment relate to?
14:37:29 From Andrew Green : I understand students want to be in person and for everything to be normal, but this may not be possible in all cases. Things are not normal right now and what everyone wants may not be feasible in every situation
14:39:20 From Greta Gramig : I don't think most students understand that instructors may not be physically present in the classroom under the HyFlex model. Somehow we need to be more transparent about that

issue.

14:43:00 From Carrie Anne Platt : The email went out to staff listserv.

14:43:21 From Carrie Anne Platt : Needs to be sent to faculty listserv, too. (HyFlex training session info)

14:45:03 From Ken Lepper : Higher Ed is not burger king. Not everyone gets the course exactly the way they want it. The professor has academic freedom to prepare the course/curriculum as they see fit for best learning.

14:48:22 From uwe : how about asking our students if they would go online. I already have 20+ enrolled in my class?

14:49:04 From Carrie Anne Platt : Thanks for this meeting! Let me know if you want contact info for Org Comm / Crisis Comm scholars.

GRAND FORKS -- A majority of the \$44.4 million in CARES Act funding received by the North Dakota University System will go toward technology services as the system prepares for the upcoming fall semester.

The dollars will be split among the system's 11 campuses based on needs for telework and updating classrooms to adjust to a hybrid of online and in-person learning, said Tammy Dolan, vice chancellor for administrative affairs and chief financial officer for the system.

The money was approved during an emergency commission meeting on Thursday, June 18.

About \$8.5 million is going to personal protective equipment and cleaning supplies. The other \$35.9 million was requested for technology software, instructional design resources and classroom/faculty restructuring to improve physical distancing measures on campuses.

Dolan said schools in the state and the nation are having conversations about how to best hold classes in the fall. Many are choosing to have some form of hybrid classes where part of the class would be attending class in person and another part would be viewing the class remotely.

"It also allows us to be as flexible as we need to be," Dolan said. "So, if we, heaven forbid, have what happened this spring and shift everybody online for a week or two, or however long, we could do that, too. We're setting it up so we have the alternatives that we need to be able to continue educating students in whatever format it needs to be."

North Dakota received around \$1.2 billion in CARES Act funding this spring. Since then, the emergency commission has approved more than \$900 million in funds for dozens of agencies.

Here is the breakdown of how much each institution will be receiving:

University System \$1,508,387

Bismarck State College \$2,417,365

Lake Region State College \$483,426

Williston State College \$584,432

University of North Dakota \$13,578,957

North Dakota State University \$19,788,622

State College of Science \$3,825,311

Dickinson State University \$862,335

Mayville State University \$248,543

Minot State University \$588,379

Valley City State University \$237,930

Dakota College at Bottineau \$372,316

Dolan said UND and NDSU are receiving more money in part because they are larger institutions with not only more students but also because the universities have more classrooms that will need restructuring and upgrading to adjust for COVID-19 protocols.

NDSU EXECUTIVE SUMMARY**A. Overview.**

On April 29, the North Dakota State Board of Higher Education unanimously passed a motion indicating that the eleven institutions within the North Dakota University System should be open and in-person for classes starting with the Fall, 2020 semester. This is an important step which will help achieve multiple goals: (1) allowing the students to return to the in-person education environment in order to maximize learning outcomes and the overall collegiate experience; (2) helping the local, regional and state economies through student/parent expenditures and workforce participation; and (3) helping to stabilize the financial position of each of the eleven institutions and thereby mitigate potential reductions-in-force which would add to the state's unemployment numbers.

In order to accomplish these goals, we must reduce the risk of viral spread on campus and have effective contingency plans for dealing with positive cases. From a public health perspective, this mitigates risk to the community. From an economic perspective, risk mitigation and planning will encourage students, parents and employees to return for the fall semester.

The process of opening the campuses in the midst of a pandemic will take a great deal of creativity and capital. The campuses have the creativity but need the capital. The request that we have put forward reflects our vision for NDSU in the age of COVID-19. It's a world that seamlessly and synchronously integrates in-person teaching with remote instruction in as close to a "normal" manner as possible. It's a world where students and faculty that are vulnerable, in isolation or in quarantine, can still effectively teach, learn and be an active part of the NDSU community.

The cornerstone of our plan is a new, highly-flexible educational delivery format known as [HyFlex](#) (short for hybrid flexibility). Through technology, the HyFlex model blends the in-person classroom with the virtual classroom and enables NDSU to maintain its traditional classes while synchronously incorporating students/faculty who are vulnerable, in quarantine or in isolation. This model combines the best of the traditional and virtual educational environments and allows for unified delivery of educational services regardless of location. Thinking beyond the current crisis, this technology will enable NDSU to improve its educational services for years to come. A significant portion of our request involves the acquisition/installation of the necessary technology along with training costs.

In addition, our commitment to students goes well beyond in-class education. NDSU prides itself on providing holistic, experience-rich opportunities for its students. We have thousands of students who live, eat, work and recreate on campus. We have plans to provide reduced-risk services, including telehealth/telecounseling, and virtual academic advising, career counseling and writing workshops.

Finally, our plans involve improvements to our physical space to reduce viral spread including masks, retail-shields, increased sanitation supplies, awareness campaigns, isolation/quarantine residences, etc. We also intend to utilize remote work opportunities, which help vulnerable employees, and lead to lower infection rates and less absenteeism.

It is important to note that time is of the essence regarding this request. Post-secondary institutions across the country as well as K-12 institutions will be attempting to order the same types of equipment. This could result in supply chain backlogs. In addition, we will need time to install the new equipment and train faculty in its use before the start of the semester in mid-August.

A financial summary has been included and the subsections below provide a more detailed description of the three parts of our proposal (education services, student services and physical safety/telework). If there are any questions or if you need more detail about any of these topics, we can readily provide additional information.

B. Enhancing Educational Services.

March 13 was the last day of in-person classes before NDSU converted to virtual education. Both the faculty and the students accomplished an amazing transformation in a very short time period, but it was far from ideal. Unfortunately, the risk of COVID-19 has not disappeared and there is no certainty as to its timeline. To continue our education virtually for an indefinite time period is not realistic. Instead, we intend to provide our in-person educational services in a new, highly-flexible format. The term being used across the country for this model is HyFlex education. Through technology, the HyFlex model blends the in-person classroom with the virtual classroom and enables NDSU to maintain its traditional classes while synchronously incorporating students/faculty who are vulnerable, in quarantine or in isolation.

We have continuously heard from our students that they want to return to the in-person environment as soon as possible. However, given the uncertainty of future conditions, we are asking our faculty to deliver their courses simultaneously to differently-located students. They must plan for students in the room. They must also plan for students attending remotely throughout the semester. They must plan for students who may get ill and have to isolate for a period of time. In addition, faculty need technology to teach the class remotely in the event that they themselves are vulnerable or become ill.

To make this possible, our request to OMB includes a significant amount of proposed IT infrastructure. We propose adding video conferencing capabilities to most classrooms on campus. The equipment will allow for face-to-face instruction and for students to attend remotely. To the greatest extent possible, classrooms would have the same equipment, so instructors would not have to learn more than one set of equipment. This would allow for uniform support from IT staff and a predictable experience for instructors and students, whether they are remote or in the classroom. To ensure reliable performance from all campus classrooms, we request funding to enhance network capabilities in academic and residential buildings.

In addition, in the event that the University must go fully online again, instructors must also plan a virtual-only version of their course, where all students would be attending from home. While we have already experienced this once, the quick switch mid-semester to emergency remote instruction did not create ideal remote learning experiences for students. There are successful models for online classes, but they require time to create. Because faculty are not normally under contract in the summer (meaning they are not paid or required to teach), we must provide additional compensation for them to

modify their classes for all these contingencies. Properly planned online courses would provide a much better learning experience for students, which will positively impact student retention.

Our request also includes additional support to address extra costs from reducing class sizes to facilitate social distancing. We have space limitations in our classrooms which prevents effective social distancing. As a result, we need to offer more sections of the same class. We propose hiring additional graduate assistants so that we can split classes and offer multiple sections (possibly at alternate times) and support students and instructors with online courses.

A variety of teaching software will also be needed to facilitate instruction if either students or faculty need to be outside the classroom for health-related reasons. Simulations for labs and medical records are available for courses in Anatomy and Physiology, Biology and Microbiology, and Dietetics. Specialized equipment will facilitate face-to-face and in-class instruction for programs in Engineering and Interior Design. Simulation software is also available for courses in Business and Hospitality and Tourism Management. A variety of advanced technologies will enable Disability Student Services to meet federal requirements to accommodate students with documented learning or physical disabilities.

C. Enhancing Student Services.

NDSU prides itself on providing holistic, experience-rich opportunities for its students. In this world, our commitment to our students goes well beyond the in-class education. We have thousands of students that live on campus, eat on campus, work on campus and recreate on campus. The experiences that students have outside the classroom are oftentimes as meaningful and educational as what happens inside the classroom. As mentioned above, our students have made it loud and clear that they want to want to return to in-person environment because they miss those experiences.

We are looking at and appropriately modifying our practices in order to reduce the risk of exposure while trying to ensure a rich experience. As with the educational services, our creativity is limited by our resources. If the request is granted, we can help ensure that students have a better experience in a reduced-risk environment.

For example, student demand for mental health services has remained strong during the pandemic. Our providers had to rapidly adapt to the need for telehealth services. Both the Counseling Center which serves NDSU students, and the Community Counseling Center which trains graduate level counselors and supervisors and serves NDSU, NDSCS and the community, have identified a variety of needs. Our Student Health Center has also identified needs. Collectively, equipment to practice telemedicine, replace PPE supplies, purchase/renew digital licenses for various medical/counseling services, additional counselors, additional custodial services at the student health clinic, additional phone lines to facilitate communication, and improved medical records management systems are examples of costs incurred.

In addition, NDSU has identified several needs in the area of Academic Support, Career and Advising Services, and Orientation. Expenses will include a virtual career fair platform, salary costs for additional tutors and overload pay for academic advisors, enabling the Center for Writers to conduct writing

workshops and dissertation boot-camps remotely, and overall staffing costs of outreach and support to the student body, whether remotely or on-campus.

Lastly, in addition to the CARES funding targeted directly at students, NDSU has an emergency fund that students can access for basic necessities such as food, rent, utility costs, repairs or emergency travel. That fund was exhausted very quickly during spring semester. The NDSU Foundation raised over \$30,000 in a campaign to replenish that fund, but that was also quickly depleted. Therefore, we are requesting \$50,000.00 for Additional Emergency Fund Grants for students for Summer and Fall semesters.

D. Enhancing Physical Safety and Telework.

We all fervently hope that there is definitive resolution to the COVID-19. Until that time, we need to plan for how we manage our physical environment and our employees. These plans will incorporate numerous aspects such as masks, retail-shields, increased sanitation supplies, awareness campaigns, isolation/quarantine residences, etc. NDSU has included increased security technology, including card-access limitations so that buildings can be limited to particular individuals.

An effective method of social distancing is to identify workers who can and should work remotely. This helps employees with vulnerabilities as well as employees who are caretakers of the vulnerable. It also helps the employer because it lowers the amount of potential virus in the workplace leading to lower infection rates and less absenteeism. Finally, it helps the community by helping to stop the spread of the infection.

For these reasons, NDSU has had numerous employees working remotely, and we would like to enable some of them to continue to do so. We are requesting additional equipment and supplies for faculty and staff to work remotely. Items include head-sets, high-definition video cameras, tablets (including digital drawing pads for faculty and students), laptops, additional monitors and document cameras.

We are also asking for funding to upgrade conference rooms to seamlessly incorporate in-person and virtual meetings. This will help remote workers be incorporated into meeting spaces, and long term, should help make the state more efficient by potentially reducing the need for intrastate travel.

NDSU Request	Category	Sum of Amount Requested
Enhancing Educational Services	Digitization of course materials	
	Augmented Reality for Human Anatomy and Physiology	\$ 3,000
	Case Simulations, Food and Beverage	\$ 1,000
	MBA online simulation software	\$ 1,875
	Digitization of courses	
	Lecture capture	\$ 35,000
	Digitization of labs	
	Labster Site License	\$ 30,000
	SimBio Virtual Labs/Tutorials software	\$ 10,380
	Digitization of process	
	Electronic health records	\$ 1,000
	Equipment	
	Equipment for Teaching Labs	\$ 60,000
	HyFlex Course Development and Delivery	
	Instructional Designer	\$ 12,000
	Instructional Re-design	\$ 6,394,000
	IT equipment	
	BLips Microphones	\$ 2,112
	Instructional Re-design	\$ 13,000
	Tablets and accessories	\$ 65,000
	IT Infrastructure equipment	
	Classroom technology	\$ 2,500,000
	Network infrastructure	\$ 1,500,000
	Social Distancing measure	
	Classroom technology support	\$ 30,000
	Extra Class sections	\$ 3,300,000
	COVID-19 response: additional duties staff and faculty	\$ 1,500,000
	Software and Cloud Services	
	Academic Computing in the Azure Cloud	\$ 65,000
	Virtual classroom and office	
	Videoconferencing software	\$ 55,000
Enhancing Educational Services Total		\$ 15,578,367
Enhancing Physical Safety and Telework	Digitization of process	
	Dining Services mobile ordering	\$ 145,000
	Eletronic Lab Notebook	\$ 31,250
	Interactive Supercomputing	\$ 75,000
	Residence Hall Room Condition forms	\$ 3,500
	Equipment	
	Digital Communication signage	\$ 400,000
	Distance/virtual spaces in the Memorial Union	\$ 215,000
	Keyless Entry with Card Access	\$ 4,431,931
	Security Cameras	\$ 1,842,898
	IT equipment	
	Conference rooms equipped for virtual meetings	\$ 750,000
	Laptops for faculty and staff	\$ 525,000
	Tablets and accessories	\$ 8,400
	IT Infrastructure equipment	
	Virtual Private Network	\$ 200,000

Enhancing Physical Safety and Telework	Prevention and Sanitation equipment		
	Disinfecting equipment	\$	117,000
	Sanitizing Stations	\$	100,000
	Touchless equipment	\$	397,000
	UV Plasma Ionization units	\$	100,000
	Prevention and Sanitation supplies		
	Dining Services take out/disposable containers	\$	375,000
	Walk up spaces plexi-glass shields	\$	200,000
	PPE/thermometers	\$	639,250
	Cleaning supplies	\$	263,500
	Student welcome to campus packets (incl facemasks, sanitizer)	\$	80,000
	Social Distancing measure		
	Isolation Dorm staffing	\$	15,000
	MAT Bus (Add'l buses)	\$	310,548
	Printed Communication	\$	52,000
	Video Communication	\$	15,000
Enhancing Physical Safety and Telework Total		\$	11,292,277
Enhancing Student Services	Course re-design		
	Study service Re-design	\$	2,504
	Digitization of process		
	Dissertation process	\$	2,658
	Virtual Career Fair Platform	\$	25,000
	Emergency Grants for Students		
	Student Emergency Grants	\$	50,000
	IT equipment		
	SWIVL cameras	\$	7,200
	Webcams monitor and Mic	\$	800
	Telepresence devices and controls	\$	16,325
	Tele-health services laptops	\$	25,740
	IT Infrastructure equipment		
	Residence Hall Wireless modernization	\$	1,300,000
	Social Distancing measure		
	Captioning Service	\$	14,250
	Disability Services add'l staffing	\$	6,000
	Remote Student Advising	\$	12,000
	Student Success Programs	\$	4,000
	Add'l staff time/duties to support social distancing		
	Staff overloads	\$	1,200,000
	Student Mental Health		
	Beck Depression Inventory	\$	5,396
	Mental Health tracking application	\$	14,000
	Beck Anxiety Inventory	\$	5,396
	Add'l Counseling Services	\$	14,400
Enhancing Student Services Total		\$	2,705,669
Grand Total		\$	29,576,313

NDSU Request		Sum of Amount Requested	OMB Recommendation for CARES Funding
Enhancing Educational Services	Digitization of course materials		
	Augmented Reality for Human Anatomy and Physiology	\$ 3,000	\$ 3,000
	Case Simulations, Food and Beverage	\$ 1,000	\$ 1,000
	MBA online simulation software	\$ 1,875	\$ 1,875
	Digitization of courses		
	Lecture capture	\$ 35,000	\$ 35,000
	Digitization of labs		
	Labster Site License	\$ 30,000	\$ 30,000
	SimBio Virtual Labs/Tutorials software	\$ 10,380	\$ 10,380
	Digitization of process		
	Electronic health records	\$ 1,000	\$ 1,000
	Equipment		
	Equipment for Teaching Labs	\$ 60,000	\$ 60,000
	HyFlex Course Development and Delivery		
	Instructional Designer	\$ 12,000	\$ 12,000
	Instructional Re-design	\$ 6,394,000	\$ 6,394,000
	IT equipment		
	BLips Microphones	\$ 2,112	\$ 2,112
	Instructional Re-design	\$ 13,000	\$ 13,000
	Tablets and accessories	\$ 65,000	\$ 65,000
	IT Infrastructure equipment		
	Classroom technology	\$ 2,500,000	\$ 2,500,000
	Network infrastructure	\$ 1,500,000	\$ 1,500,000
	Social Distancing measure		
	Classroom technology support	\$ 30,000	\$ -
	Extra Class sections	\$ 3,300,000	\$ -
	COVID-19 response: additional duties staff and faculty	\$ 1,500,000	\$ -
	Software and Cloud Services		
	Academic Computing in the Azure Cloud	\$ 65,000	\$ 65,000
	Virtual classroom and office		
	Videoconferencing software	\$ 55,000	\$ 55,000
Enhancing Educational Services Total		\$ 15,578,367	\$ 10,748,367
Enhancing Physical Safety and Telework	Digitization of process		
	Dining Services mobile ordering	\$ 145,000	\$ 145,000
	Eletronic Lab Notebook	\$ 31,250	\$ 31,250
	Interactive Supercomputing	\$ 75,000	\$ 75,000
	Residence Hall Room Condition forms	\$ 3,500	\$ 3,500
	Equipment		
	Digital Communication signage	\$ 400,000	\$ 400,000
	Distance/virtual spaces in the Memorial Union	\$ 215,000	\$ 215,000
	Keyless Entry with Card Access	\$ 4,431,931	\$ -
	Security Cameras	\$ 1,842,898	\$ -
	IT equipment		
	Conference rooms equipped for virtual meetings	\$ 750,000	\$ 750,000
	Laptops for faculty and staff	\$ 525,000	\$ 525,000
	Tablets and accessories	\$ 8,400	\$ 8,400
	IT Infrastructure equipment		
	Virtual Private Network	\$ 200,000	\$ 200,000

Enhancing Physical Safety and Telework	Prevention and Sanitation equipment			
	Disinfecting equipment	\$	117,000	\$ 117,000
	Sanitizing Stations	\$	100,000	\$ 100,000
	Touchless equipment	\$	397,000	\$ 397,000
	UV Plasma Ionization units	\$	100,000	\$ 100,000
	Prevention and Sanitation supplies			
	Dining Services take out/disposable containers	\$	375,000	\$ 375,000
	Walk up spaces plexi-glass shields	\$	200,000	\$ 200,000
	PPE/thermometers	\$	639,250	\$ 639,250
	Cleaning supplies	\$	263,500	\$ 263,500
	Student welcome to campus packets (incl facemasks, sanitizer)	\$	80,000	\$ 80,000
	Social Distancing measure			
	Isolation Dorm staffing	\$	15,000	\$ 15,000
	MAT Bus (Add'l buses)	\$	310,548	\$ 310,548
	Printed Communication	\$	52,000	\$ 52,000
	Video Communication	\$	15,000	\$ 15,000
Enhancing Physical Safety and Telework Total		\$	11,292,277	\$ 5,017,448
Enhancing Student Services	Course re-design			
	Study service Re-design	\$	2,504	\$ -
	Digitization of process			
	Dissertation process	\$	2,658	\$ -
	Virtual Career Fair Platform	\$	25,000	\$ -
	Emergency Grants for Students			
	Student Emergency Grants	\$	50,000	\$ -
	IT equipment			
	SWIVL cameras	\$	7,200	\$ -
	Webcams monitor and Mic	\$	800	\$ -
	Telepresence devices and controls	\$	16,325	\$ -
	Tele-health services laptops	\$	25,740	\$ -
	IT Infrastructure equipment			
	Residence Hall Wireless modernization	\$	1,300,000	\$ 1,300,000
	Social Distancing measure			
	Captioning Service	\$	14,250	\$ -
	Disability Services add'l staffing	\$	6,000	\$ -
	Remote Student Advising	\$	12,000	\$ -
	Student Success Programs	\$	4,000	\$ -
	Add'l staff time/duties to support social distancing			
	Staff overloads	\$	1,200,000	\$ 1,200,000
	Student Mental Health			
	Beck Depression Inventory	\$	5,396	\$ -
	Mental Health tracking application	\$	14,000	\$ -
	Beck Anxiety Inventory	\$	5,396	\$ -
	Add'l Counseling Services	\$	14,400	\$ -
Enhancing Student Services Total		\$	2,705,669	\$ 2,500,000
Grand Total		\$	29,576,313	\$ 18,265,815

Add'l funding items (through 5.31.2020 actual expenditure list)

Installation of equipment to facilitate hybrid synchronous instruction	\$	1,000,000
Per Marc Wallman 5.1.2020 email		
Software and equipment to facilitate remote work for VPN	\$	150,000
Per Marc Wallman 5.1.2020 email		
Add'l pay for IT Help desk, virus related research	\$	47,272
ND Forest Service OT	\$	48,244
PPE	\$	90,534
Add'l cleaning supplies	\$	57,979
Technology	\$	66,808
Misc Protective supplies/equipment	\$	42,009
Telework equipment	\$	19,961
Total 5.31.20 actual list	\$	1,522,807

Total OMB Recommendation for CARES funding

\$ 19,788,622

Recommendations of the Fall Instruction Planning Task Force

The Task Force for Fall Instruction Planning comprising of faculty, staff, and academic leaders was charged with making recommendations. The group met between May 13 and June 15, 2020 to develop recommendations based on national, state, and local public safety and health guidance applicable to higher education, in particular classroom instruction. Recommendations are organized as follows: 1) **Guiding Principles** for Fall Instruction; 2) Process for Determining **Classroom Capacity Analysis**, Technology and Staffing; 3) **Timeline** for Course and Classroom Assignments; Instruction related suggestions for 4) **Department Chairs/Heads/Program Directors**, 5) **Course Instructors**, and 6) **Academic Affairs/Office of the Provost**; 7) Health and Safety **Precautions** for Academic Departments; and 8) **Current Health and Safety Guidance**.

Implementation of the recommendations below will involve considerable work by staff at all levels of NDSU. Faculty, instructional staff, and graduate assistants with teaching responsibilities will need support to prepare their fall courses. Further, specific student groups, including, but not limited to, first year undergraduate students, international students, first-generation students, students from underrepresented groups, students with disabilities, immune-compromised students, will have particular needs that should be considered and addressed during the implementation phase.

1) Academic Units Guiding Principles for Fall Instruction.

- Protect the health and safety of our university community and the communities we serve.
- Pursue our land-grant mission through teaching, research, extension, and outreach.
- Make a high-quality academic experience available to our students while also mitigating the risk of COVID-19 transmission based on national, state, and local public health directives.
- Balance providing student's desire for a [traditional college experience](#) with the need to protect everyone's health and the academic freedom of our faculty, graduate teaching assistants, and instructional staff in teaching their courses.
- Empower departments to make the best decisions for their students' and programs' success. As experts in their fields of study and professional practice, faculty are best positioned to discern how to adjust course design, implementation, and delivery, to provide the best education to their students.
- Be prepared to respond to new directives and guidance as they become available. Final determinations for where and how courses will be offered on campus should depend on guidance from national, state, and local public health officials regarding classroom capacity and availability of alternative spaces.
- Protect all population subgroups, including those who are with high-risk profiles and vulnerable students (including underinsured and non-traditional).

2) Process for Determining Classroom Capacity Analysis, Technology, and Staffing.

- Current guidance from the CDC and ND Department Health will require adjustments to classroom capacity due to **physical distancing requirements, allowable occupancy, indoor air quality/ventilation-system, and class duration**. Alternative spaces on campus such as the Ballroom in the Union, BBFH Gym, and SHAC may be available for large enrollment courses. Class scheduling may be extended with scheduling more evening classes, and increasing number of classes scheduled before 10 a.m. and after 2 p.m.
- Until classroom capacity analysis and available alternative spaces are determined, Registration and Records should place **all classroom reassignment requests on hold**.
- **Classroom capacity** according to health and safety requirements appropriate for in-person instruction (50 minutes for MWF classes; 75 minutes for TR classes; and two hours for lab courses) should be determined and **shared with Departments**.
- Available technology and staff support should be determined and shared with academic units.
- Classroom requests should be submitted by Departments to the Registration and Records.
- Registration and Records should finalize fall classroom reassignments and inform Departments.

3) Timeline for Course and Classroom Assignments.

June 26	Departments determine faculty, instructional staff, and graduate assistants who may need to teach via videoconferencing technologies and/or work remotely in the fall.
July 3	Classroom capacity and alternative spaces according to health and safety requirements appropriate for in-person instruction shared with Departments.
July 3	Available technology and staff support determined and shared with Departments.
July 17	Departments submit needed classroom requests to Registration and Records.
July 24	Registration and Records finalize fall classroom assignments and inform Departments.

Recommendations for Instruction:

4) Recommendations for Department Chairs/Heads/ Program Directors.

- **Develop a plan for all department fall courses which accounts for at-risk faculty, instructional staff, and graduate students who will need to teach remotely and prioritizes offering face-to-face courses when possible.** Some considerations as you plan:
 - Instructors may be at-risk because of health conditions (*CDC high-risk populations* <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>) or care-giving responsibilities. Instructors should not be asked to submit medical documentation to Department Chairs/Heads.
 - NDSU has technology to support traditional face-to-face classes by allowing instructors to deliver instruction into a classroom via video. Departments may provide a classroom facilitator to support instructors (e.g., a teaching assistant, a student enrolled in the class).
 - Explore possibilities for face-to-face instruction to the classroom via video; extra sections; team, hybrid, HyFlex, or remote teaching, given courses and pedagogies with the knowledge that a face-to-face component should be offered when possible.
 - Plans should demonstrate a sufficient number of required courses available remotely so that no student's academic progress suffers from an inability to attend in person. It is especially critical that large introductory courses, or courses that must be taken in sequential order, are available to students to the same extent as they would be in a normal semester. Accommodations will have to be made in all classes for students who, for various reasons, cannot attend a face-to-face class.
 - Work with your Dean on challenges with fall instruction planning that cannot be addressed internally.
 - See below for Course Design Options.
- Develop a plan so that **classes continue in case one of your instructors: a) is sick; b) must self-quarantine; c) must take time away unexpectedly** to deal with a COVID-related emergency at any time during the semester. Communicate the plan to your faculty and staff.
- **Ensure that instructors are planning for how they will offer their courses remotely in the event: a) students cannot attend class** (sick, must self-quarantine, etc.); and/or **b) it becomes necessary** (surge of the virus, potential outbreaks necessitating isolation and quarantine practices) for the course to move to remote instruction.
- **Submit any requests related to classrooms to Registration and Records.**
- Follow Health and Safety Precautions for Academic Departments listed below in this document.

5) Recommendations for Course Instructors as they prepare for the fall semester.

- Prepare to **deliver classroom instruction synchronously or asynchronously** (i.e., live or pre-recorded) **via videoconferencing** technologies supported by IT in the event that: 1) students are sick, in

June 15, 2020

quarantine or in isolation for all or part of the semester; or 2) multiple spaces are needed to fit all students in a class.

- In all cases involving online instruction, including in a blended or hybrid environment, ensure that **pedagogical practices establish instructor presence and build community** among all class members, and engage students in a manner that is also equitable and inclusive. Students taking classes online may develop a sense of isolation or feel marginalized in a blended/hybrid classroom.
- Determine **instructional continuity plan** to use if it becomes at any time necessary (surge of the virus, potential outbreaks necessitating isolation and quarantine practices) for the campus to move to remote instruction.
- If attendance or class participation is part of the grading of student achievement, **adjust grading** for students who are remote or quarantined or are in any other way prevented from participating in class interaction (e.g., poor internet quality).
- **Include in syllabus**
 - Continuity plan notifying students the platform through which communication and learning activities will occur in the event face-to-face instruction cannot continue and/or students cannot attend due to illness.
 - Behavioral expectations for health, safety, face coverings, physical distancing, and seating (such as “This class requires a cloth face covering or plastic face shield to be properly worn during the in person class meetings”).
 - Link to university policy and procedure for students experiencing COVID-19 symptoms and/or test positive for COVID-19.
- Contact Dean of Students Office for **challenges with student behavior** that cannot be addressed internally.
- Contact Disability Services for **accessibility considerations** such as clear face shields for hard of hearing, lecture captioning, alternatives for students who may have difficulty with wearing a face cover (due to asthma, trauma, etc.).
- Follow Health and Safety Precautions for Academic Departments listed below in this document.

6) Recommendations Academic Affairs/Office of the Provost.

Academic Affairs/Office of the Provost, in consultation with academic units and other units on campus, should implement a broad range of risk mitigation strategies that include behavioral expectations and practices, engineering controls, and protective equipment and supplies:

- Determine and update academic units on the CDC, state, and local **health and safety guidelines** that must be incorporated into each classroom setting and other shared academic spaces. Follow national, state, and local public health guidance on population testing and contact tracing to the extent possible. Encourage/require instructors to keep a seating chart and take attendance for contact tracing, especially for time consuming large classes.
- Determine and communicate **procedure for** students, faculty and staff regarding **informing** the University about positive COVID-19 test results.
- Develop a **procedure for acting on positive COVID-19 test results** in a manner consistent with current health and safety guidelines (e.g., informing the entire class that as a result of a positive COVID-19 case, the class has to move online for a period time). Do not allow this procedure to rely on individual instructors or department chairs/heads.
- Issue a blanket **requirement for** students, faculty and staff to wear cloth **face coverings** or clear plastic shield when within 6-12 feet of other people in classroom and shared academic spaces. *In the absence (and impracticality) of formally enforcing this rule by third-parties, the onus falls on our faculty and students as responsible individuals with consideration for the safety of one's own and others to maintain this distance to the largest extent possible.* Provide masks to all students, faculty and staff.
- Issue a blanket **requirement for** students, faculty, and staff who are **ill to stay home**. Encourage faculty, staff, and students to get the annual influenza vaccine (to minimize excess illness with symptoms similar to COVID-19).
- If funding is available

June 15, 2020

- Ensure that departments have enough **teaching and tech support to assist instructors in large lecture classes**. Assign staff in each classroom for technology support, to ensure proper cleaning, to facilitate social distancing needs rather than adding that responsibility to the instructor.
- Provide **summer funding support** to instructors who attend training and/or convert their courses to hybrid, online, and/or HyFlex.
- Consider impact of fall semester preparation on non-12 month faculty.
- If allowed by NDUS, **conclude face-to-face instruction on November 24** with courses moving to remote instruction at that time. Students should be discouraged to return to campus after the Thanksgiving break. This decision should be made as soon as possible, preferably before classes start so that department and instructors have the option to front-load their courses to complete lab exercises and hands on activities earlier than normal.
- Ensure **remote students have appropriate technology** (laptops, Wi-Fi and signal boosters).
- **Modify** classroom and common area **layouts to facilitate physical distancing** (i.e., remove desks/chairs and arrange remaining 6 feet apart, mark chairs in which students can or cannot sit in auditoriums, remove appropriate number of couches, chairs, and tables in shared spaces). Ensure traffic patterns rerouted throughout academic spaces to maintain physical distancing.
- Assess ventilation systems in buildings to identify which buildings meet requirements for safe instruction. Improve air circulation/ventilation in buildings where possible.
- Increase sanitization of classrooms and shared spaces (like conferences rooms) to at least once daily.
- Provide adequate quality and quantity hand sanitizer in classroom, building, and office suite entrances. Provide adequate quality and quantity cleaning and disinfectant to all units requiring it to support instruction (e.g., those with labs, those using equipment, those using studios).
- Develop internal processes to use **for students to communicate concerns** about COVID-related trauma that might create difficulties with an assignment (e.g., a student who recently lost a parent due to COVID-19 does not feel comfortable writing the assigned thought piece about grief in the time of COVID-19).

Course Design Options:

- Traditional face-to-face. The expectation is that the majority of our courses will be taught face-to-face.
- Hybrid-Flexible
https://edtechbooks.org/hyflex?utm_source=member&utm_medium=email&utm_campaign=evaluation
- Other hybrid models such as “flipped” classroom <https://www.washington.edu/teaching/topics/engaging-students-in-learning/flipping-the-classroom/> where the scheduled periods are used to serve as recitation sections for a portion of the enrolled students.
- Fully online course delivery when it becomes necessary (surge of the virus, potential outbreaks necessitating isolation and quarantine practices) for the campus to move to remote instruction.

7) Health and Safety Precautions for Academic Departments based on Current Guidance.

Work Practices and Occupancy Restrictions: All faculty, staff, graduate assistants should continue to work remotely to the extent possible. Those at high risk for severe illness and those that are ill should arrange to remain out of class and away from campus. Other preventive work practices include:

- Individuals who test positive for COVID-19 must remain in isolation and away from campus.
- Individuals awaiting test results must remain in isolation.
- Individuals who have close contact with confirmed cases must remain in quarantine.
- Individuals who feel unwell should not come to campus.
- Maintain six feet separation from other faculty, staff, students, or visitors whenever possible when passing or for short interactions.
- Maintain more than six feet separation between desks, workstations, computer terminals, individual study areas, and other equipment whenever possible to promote physical distancing and minimize exposure.
- Faculty, staff, and graduate assistants should not share offices, whenever possible.
- To reduce the overall population density in shared space at any one time, consider alternating on campus and remote work days, shifting work schedules, and part-time remote work.

June 15, 2020

- Meetings should continue virtually whenever possible to prevent contact and free up meeting spaces for possible use as offices for instructors, staff, and graduate assistants who are displaced from shared offices or for use as classrooms.
- Wash hands for 20 seconds using soap and water frequently throughout the day, and after contacting surfaces that may have been touched by other persons. Hand sanitizer may be used when a handwashing sink is not available.
- Avoid shaking hands.

Cloth Face Coverings: All students, faculty, and staff should wear face coverings in accordance with CDC guidelines whenever they are in common areas (e.g., hallways, classrooms, research labs, meeting rooms, work areas).

Signs and Messages: Post signs in high visibility areas within each departmental space (including common areas, shared office spaces, classrooms, computer labs, etc.) to communicate:

- Reminders of physical distancing, the use of face coverings, and good personal hygiene practices;
- Specific room or space occupancy limits, if applicable; and,
- Additional precautions that must be observed for unique spaces; and
- Floor markings or barrier tape may be used where necessary to promote physical distancing.

Training: All students, faculty, and staff should complete a COVID-19 training before engaging in teaching and research activities on campus. For information on training offered for employees through HR see https://www.ndsu.edu/hr/covid_19_information/

8) Current Health and Safety Guidance:

Guidance from the Centers for Disease Control and Prevention (CDC) is that **limiting close contact between individuals is the primary tool for slowing virus transmission**. At least six feet physical distancing is recommended to reduce the risk in

- Classrooms and labs
- Research, scholarship, and creative spaces
- Other departmental shared spaces

Further, CDC's most recent guidance for IHE emphasizes that **"the more an individual interacts with others, and the longer that interaction, the higher the risk of COVID-19 spread."** According to CDC:

- Lowest Risk: Instructors and students engage in virtual-only learning options, activities, and events.
- More Risk: Small in-person classes, activities, and events. Individuals remain spaced at least 6 feet apart and do not share objects (e.g., hybrid virtual and in-person class structures or staggered/rotated scheduling to accommodate smaller class sizes).
- Highest Risk: Full-sized in-person classes, activities, and events. Students are not spaced apart, share classroom materials or supplies, and mix between classes and activities.

COVID-19 is **mostly spread by respiratory droplets released when people talk**, cough, or sneeze. Face-to-face instruction is inherently high risk because speaking increases the release of respiratory droplets about 10 fold. Successful Infection = Exposure to Virus x Time (<https://www.erinbromage.com/post/the-risks-know-them-avoid-them>). The exposure to virus x time formula is the basis of contact tracing. Anyone who spends greater than 10 minutes with others in a face-to-face situation is potentially infected. Anyone who shares a space with others (an office, classroom) for an extended period is potentially infected.

According to [ND Large Gathering Protocols](#), face-to-face instruction is possible when the risk level is deemed to be Yellow/Moderate, Green/Low, or Blue/New Normal. However, gatherings of any size where distancing (at least six feet) cannot be maintained have to be cancelled or conducted remotely. Further, when the risk level is:

June 15, 2020

- Yellow/Moderate Risk — Gatherings following strict guidelines for physical distancing and staff monitoring in facilities can be up to 50% certificate of occupancy for that room but no more than 250 persons.
- Green/Low Risk — Gatherings following guidance for physical distancing and staff monitoring in facilities can be up to 75% certificate of occupancy for that room but no more than 500 persons.

OSHA measures for protection from exposure to and infection with COVID-19 emphasize **prompt identification and isolation** of potentially infectious individuals as a first critical step for protecting the campus community. Individuals suspected of having COVID-19 should be isolated. Those in close contact with a sick person should be protected. Guidance from OSHA include:

- Encourage self-monitoring for signs and symptoms of COVID-19 if possible exposure is suspected. Actively encourage those who are sick to stay home.
- Develop policies and procedures for reporting when sick or experiencing symptoms of COVID-19.
- Do not require a healthcare provider's note for employees who are sick with acute respiratory illness to validate their illness or to return to work, as healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.
- Recognize that workers with ill family members may need to stay home to care for them.

RESOURCES

AAUP PRINCIPLES AND STANDARDS FOR THE COVID-19 CRISIS

<https://www.aaup.org/aaup-principles-and-standards-covid-19-crisis>

CDC

<https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>

<https://www.cdc.gov/coronavirus/2019-ncov/community/colleges-universities/considerations.html>

ND SMART RESTART PROTOCOLS

<https://ndresponse.gov/covid-19-resources/covid-19-business-and-employer-resources/nd-smart-restart/nd-smart-restart-protocols>

<https://ndresponse.gov/sites/www/files/documents/covid-19/ND%20Smart%20Restart/Additional%20Resources/NDSmartRestartPlan-200515.pdf>

<https://ndresponse.gov/covid-19-resources/covid-19-business-and-employer-resources/nd-smart-restart/nd-smart-restart-protocols/large-gatherings>

OSHA GUIDANCE on PREPARING WORKPLACES for COVID-19

<https://www.osha.gov/Publications/OSHA3990.pdf>

COVID-19 and US HIGHER EDUCATION ENROLLMENT: PREPARING LEADERS FOR FALL.

<https://www.mckinsey.com/industries/social-sector/our-insights/covid-19-and-us-higher-education-enrollment-preparing-leaders-for-fall?cid=other-eml-alt-mip-mck&hlkid=5ff59a2562f24a089cd7737478228737&hctky=2895069&hdpid=d5f0420e-cce8-4686-9662-0dda653a3ca1>

OPENING UP AMERICA AGAIN

<https://www.whitehouse.gov/wp-content/uploads/2020/04/Guidelines-for-Opening-Up-America-Again.pdf>

NDSU POLICIES:

June 15, 2020

- [NDSU Policy 325](https://www.ndsu.edu/fileadmin/policy/325.pdf): Academic Freedom: <https://www.ndsu.edu/fileadmin/policy/325.pdf> Instruction: Faculty are entitled to freedom in teaching their assigned courses. That freedom includes, but is not limited to, design of pedagogical approach, selection and delivery of course content and reference materials beyond what is considered baseline in their degree program(s). Freedom further extends to conducting of class meetings and demonstrations, creating assignments and examinations to assess student performance, and assigning grades.
- [NDSU Policy 353](#): Grievances – Faculty. Communicate with the chair whose decision is the subject of the grievance in a good-faith attempt to resolve the matter. In the event that such communication fails to achieve a satisfactory result, then discuss the matter with the dean. In the event that communication with the supervisor and their supervisor fails to achieve a satisfactory result, then the grievant may appeal to a Special Review Committee by filing a written grievance with the presiding officer of the Faculty Senate no later than 120 calendar days from the date when the grievant is notified of the grievable issue.
- [NDSU Policy 151](#): Code of Conduct. All NDSU personnel are subject to the rules and policies of the North Dakota State Board of Higher Education, NDSU, and their respective department or unit. NDSU expects all University personnel to be aware of, and comply with, NDSU's policies and procedures that apply to them, and requires those reporting to them to do the same.
- [NDSU Policy 320](#). Faculty Obligations and Time Requirements. An academic appointee who has a health condition that makes them unable to perform their regular duties but does not necessitate a reduction in workload is eligible to request modified duties for up to the equivalent of a semester (e.g., release from or reassignment of teaching courses, committee assignments, advising, or alteration of research duties).

Task Force Members:

- Canan Bilen-Green, Office of the Provost/Faculty and Equity
- Jason Blosser, Information Technology
- David Buchanan, College of Agriculture, Food Systems, and Natural Resources
- Mark Coppin, Disability Services
- Kendra Greenlee, College of Science and Math
- Carla Gross, College of Health Professions
- RaNelle Ingalls, Registration and Records
- Jessica Jensen, College of Arts, Humanities and Social Sciences
- Joseph Jones, College of Business
- Alan Kallmeyer, College of Engineering
- Florin Salajan, College of Human Sciences and Education
- Jackie Schluchter, Registration and Records
- Marc Wallman, Information Technology

Policy Change Cover Sheet

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



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

SECTION: **in 336, Examinations and Grading, Dead Week Policy**

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

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

Describe change: The dismissal of the Dead Week Policy as articulated in NDSU Policy Manual, Section 336

(Examinations and Grading), thusly: **Dead Week Policy** (adopted by Faculty Senate on February 14, 2005):

Only one exam or quiz per course may be given during the last two weeks of the semester (prorated accordingly for variable length courses), which includes finals week. Exceptions include summer classes, self-paced/correspondence courses, make-up exams, courses in which laboratory is incorporated with a lecture, one-credit courses, and quizzes that account for less than 5% of the students' overall grade. If a professor chooses to give an exam during the last week of classes, he/she is expected to make some instructional use of the final examination time.

To be replaced with: **Reading Days Policy:**

The penultimate week of Spring and Fall semesters, the week preceding Final Exam Week, shall consist of two Class Days, Monday and Tuesday, and three (3) Reading Days. Scheduled classes will meet on Class days and no classes shall meet during Reading Days. Exceptions may include self-paced/correspondence courses, and make-up exams.

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

- Dead Week Policy Review Ad Hoc Committee, is composed of the following members: Carlos Hawley (Chair), Department of Modern Languages; Ann Burnett, Department of Communications; Anthony Flood, Department of History; Marcela Perett, Department of History; Anastassiya Andrianova, Department of English; and with assistance from Rhonda Kitch from the Office of Registration and Records. 4/IV/2019.
- Contact Carlos Hawley (CarlosHawley@ndsus.edu) for revisions.

This portion will be completed by Heather Higgins-Dochtermann.

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University

Policy Manual

SECTION 336

EXAMINATIONS AND GRADING

SOURCE: NDSU Faculty Senate Policy

The giving of examinations, their type, and number is up to the individual instructor, in so far as it is consistent with Dead Week Policy (see below). However, results of some examinations or other methods of evaluation are to be provided to students before the last day to drop courses (coincides with last day to withdraw to zero credits) within a given term. This deadline is published on an annual basis and typically occurs in week 12 of the semester, which includes final examination week, for standard full-term courses. Deadlines for variable length courses are prorated based on the length of the class.

Examinations and grade lists are not to be posted by name, social security number or University-generated student identification number, and examination and term papers must have the grade denoted inside when they are made available for students to pick up, in order to maximize privacy of grades. (University Senate Policy, approved Feb. 21, 1972)

Mid-Term Grades

As an early intervention effort to improve retention and academic progress of students, mid-term grade rosters are generated prior to the 8th week of fall and spring semesters for all standard full-semester classes. Instructors are encouraged to enter deficient mid-term grades of D and F in undergraduate courses. Notifications are sent to students with reported deficient mid-term grades and to academic departments/advisers.

For all other courses, mid-term progress reports shall be made available to students upon request.

Mid-term grades are not considered official grades and do not appear on student academic transcripts.

Adviser holds may be placed on students who have one or more reported deficient mid-term grades.

Final Examinations:

The schedule for final examinations is determined and published by the Office of Registration and Records. Final examinations in one-credit courses are usually given during the last regular class period. Final examinations for summer classes and distance-delivered classes are arranged by the instructors. Classes scheduled outside the standard scheduling patterns do not have published final examination periods. Instructors are to make arrangements to administer examinations at times that are least disruptive to students' existing schedule of final exams. Final examinations for all other courses may not be rescheduled during the final examination period, or given prior to the start of final examination period. According to the State Board of Higher Education policy, the examination period is instructional time and, if a final examination is not given, some instructional use of this period is expected.

No student shall be obligated to take more than three final examinations scheduled for the same calendar day. In the event that a student has four or more final examinations on the same calendar day, the student shall notify the instructor(s) from the highest numbered course(s) no later than two weeks before the last day of class to schedule a make-up examination to be administered at a mutually acceptable time.

Reading Days Policy: Wednesday, Thursday, and Friday of the penultimate week of Spring and Fall semesters shall be designated as Reading Days. The penultimate week of Spring and Fall semesters, the week preceding Final Exam Week, shall consist of two Class Days, Monday and Tuesday, and three (3) Reading Days. Scheduled classes shall not meet during Reading Days. Exceptions may include self-paced/correspondence courses, and make-up exams.

Upon request all instructors shall inform students directly of their approximate mid-term grades before the end of the eighth week of the semester. (University Senate Policy, approved Dec. 21, 1970)

Examinations and grade lists are not to be posted by name, social security number or student University generated identification number, and examination and term papers must have the grade denoted inside when they are made available for students to pick up, in order to maximize privacy of grades. (University Senate Policy, approved Feb. 21, 1972)

Final Grades

Grades for all undergraduate, graduate and professional students in all courses must be entered by the grade loading deadline in order for important end-of-term academic and financial processes to run, and for timely academic standing notifications to be sent to students. Final grades are reported in the student information system by faculty and typically are due by the end of the second business day following the conclusion of finals week. Instructions and deadlines are provided each term by the Office of Registration and Records.

Incomplete Grades

Under extraordinary circumstances and at the discretion of the instructor, a student may be assigned a grade of Incomplete (I). The following policies apply to Incomplete grades:

1. The grade of Incomplete is assigned to indicate that satisfactory work has been completed up to within five weeks of the semester end, and that circumstances beyond the student's control prevented completion of the work. The time period is proportional for variable length courses and summer session.
2. The grade of Incomplete is not to be given in any instance where the student has a deficiency of more than five weeks of work including final exam week. The time period is proportional for variable length courses and summer session.
3. Grades of Incomplete are initiated by student request. The student must contact the instructor, request an Incomplete grade, and, upon instructor approval, make arrangements to complete the work.
4. The grade of Incomplete (I) is an administrative grade that may only be entered by the Office of Registration and Records, except in courses designated as practicum, internship, individual study, field experience, or study abroad.

Deleted: Dead Week Policy (adopted by Faculty Senate on February 14, 2005): ➡

Only one exam or quiz per course may be given during the last two weeks of the semester (prorated accordingly for variable length courses), which includes finals week. Exceptions include summer classes, self-paced/correspondence courses, make-up exams, courses in which laboratory is incorporated with a lecture, one-credit courses, and quizzes that account for less than 5% of the students' overall grade. If a professor chooses to give an exam during the last week of classes, he/she is expected to make some instructional use of the final examination time.

Formatted: Font: 12 pt

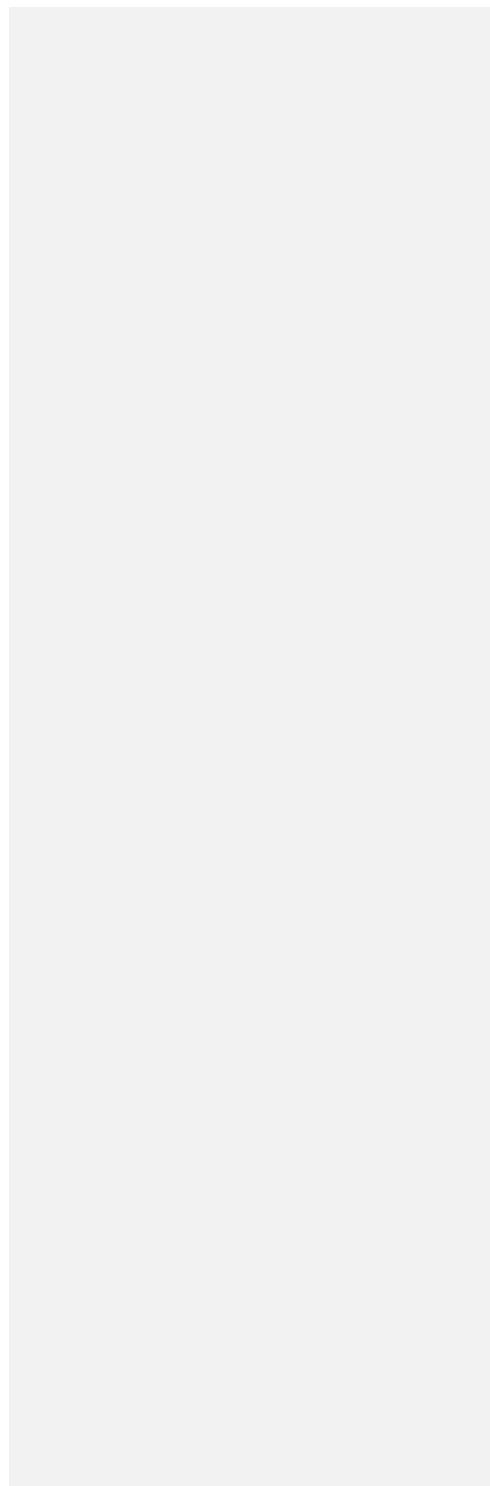
Formatted: Font: 12 pt

Formatted: Font: 12 pt

5. An Incomplete Grade Reporting Form detailing the work to be completed, expected completion date, and grading standard is to be signed and dated by both the instructor and the student. The form is to be submitted to the Office of Registration and Records by the grade submission deadline in which the course was taken. It is advisable that the instructor, student and advisor retain copies of this form for their records as well.
6. Grades of Incomplete, including those for most course types identified in #4, must be removed no later than the end of the seventh week of the next full semester (fall or spring). The time period is proportional for variable length courses and summer session.
7. Grades of Incomplete are removed when the student has completed all course requirements and the instructor of the course files a Grade Reporting Form with the Office of Registration and Records.
8. All grades of Incomplete that are not removed within the specified time are automatically changed to F grades by the Office of Registration and Records.
9. Instructors may specify completion deadlines for remaining work on the Incomplete Grade Reporting Form earlier than the standard deadlines.
10. Requests for extensions beyond the seventh week of the next full semester require approval by both the instructor and the chair of the department offering the course. The extended deadline must be indicated on the Incomplete Grade Reporting Form and may not exceed two Incomplete conversion/deadline cycles. If a grade is not submitted by the specified deadline, the Incomplete grade will convert to a grade of F.
11. Grades of Incomplete, which convert to grades of F, earned in the last semester of attendance by a student who leaves the University for two or more years may be changed to Withdrawn (W) upon re-enrollment. Requests for this privilege must be filed with the Office of Registration and Records during the first term of re-entry.
12. An Incomplete grade may be converted to a letter grade (or P/F, S/U) according to the above guidelines, but may not be expunged from the record.
13. Students may not register in courses in which they currently hold grades of Incomplete, except for courses that are repeatable for credit.
14. Students are not allowed to graduate with unconverted Incomplete grades on their academic records. Upon graduation, unconverted Incomplete grades will convert to grades of F. If a course in which an Incomplete grade was assigned is required for graduation, the instructor may extend the deadline according to the above procedures and timelines, and graduation will be postponed.
15. Students who receive grades of Incomplete or converted grades of F may appeal disputed grades in accordance with NDSU Policy, Section 337: Grade Appeals Board.

HISTORY:	
New	January 19, 1970
Amended	April 1992
Amended	November 1992
Amended	May 2005

Amended October 2006
Housekeeping February 14, 2011
Amended January 28, 2014



Policy Change Cover Sheet

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



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

SECTION: Policy 352 – Promotion, Tenure and Evaluation

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Sec. 5.6: Establishes a process for resolving situations if a "conflict of interest" leads to involuntary recusal of reviewers.
- Sec. 6.5. Clarifies timeline for suspension of the PTE process in cases of allegations of misconduct.

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

- Ad Hoc Committee of the Faculty Senate for Review of Policy 352 – submitted 4-7-2020
- Email address of the person who should be contacted with revisions: jeffrey.bumgarner@nds.edu

This portion will be completed by SCC Secretary (Heather Higgins-Dochtermann).

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

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

Legal Review:

Responsible Office:

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

Provost:

President:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to nds.scc@nds.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding! scc://SCC_cover_sheet.doc Revised 3/6/2019

North Dakota State University

Policy Manual

SECTION 352

PROMOTION, TENURE AND EVALUATION

SOURCE: NDSU President
NDSU Faculty Senate

1. INTRODUCTION

- 1.1 The promoting of faculty and awarding of tenure, and the prerequisite processes of evaluation and review, are of fundamental importance to the long-term ability of the University to carry out its mission. Promotion recognizes the quality of a faculty member's scholarship and contributions in the areas of teaching, research, and service. Promotion acknowledges that the faculty member's contribution to the university is of increasing value. Tenure assures academic freedom and enhances economic security for faculty members who show promise of sustained contributions in those three areas. Tenure aims to both recognize a candidate's potential long-term value to the institution as evidenced by professional performance and growth and to provide the expectation of continued employment. The decision to award tenure rests on criteria that reflect the potential long-term contribution of the faculty member to the purposes, priorities, and resources of the institution, unit, and program. With the individual autonomy derived from academic freedom and tenure comes the responsibility to create and/or maintain an ethical, respectful, and professional work climate for oneself, one's colleagues, one's students, and others with whom one relates professionally. Failure to meet this responsibility should be noted in periodic reviews of teaching, research, and service and may be addressed through the enforcement of other NDSU policies, such as Policy 151 Code of Conduct and Policy 326 Academic Misconduct. Due to the emphasis on institutional purposes and priorities, tenure recommendations should be reviewed at department, college, and university levels.
- 1.2 From the University's mission flows the expectation that each faculty member will make contributions of high quality to the areas of teaching, research, and service. "Teaching" includes all forms of instruction both on- and off-campus. "Research" includes basic and applied research and other creative activities. "Service" includes public service, service to the University, college, and department, and service to the profession. Because of the University's mission, the quality and quantity of contributions in all three areas will be considered at the times of promotion and tenure. But, because of variations among faculty in strengths and/or responsibilities, faculty members are not expected to exhibit equal levels of accomplishment in all areas. Moreover, disciplines will vary with respect to the kinds of evidence produced in support of quality of contributions.
- 1.3 Colleges are responsible for ensuring that promotion and tenure evaluation criteria be aligned with official position descriptions.
- 1.4 The policies and standards of each college should be congruent with the University's mission and its policies on promotion and tenure, and also should reflect the college's unique expectations of its faculty members. The policies and standards of academic units within each college should be consistent with the missions of the University and college and their

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

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

- 2.1 Promotion and granting tenure are not automatic. In addition to contributions in the areas of teaching, research, and service, consideration may be given to factors such as professional background and experience. Expectations for faculty in Professor of Practice and Research Professor positions may differ from those for tenure-line faculty.
- 2.2 The evaluation of a candidate's performance shall be based on the individual's contributions to teaching, research, and service, on- and off- campus, in regional, national, or international activities. Judgments will be based on evidence of both the quality and significance of the candidate's work.

2.2.1 TEACHING

- 2.2.1.1 CRITERIA In the areas of teaching (as defined above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure, and post-tenure review:
 - 2.2.1.1.1 the effective delivery of instruction to and the stimulation of learning by students and/or clients;
 - 2.2.1.1.2 the continuous improvement of courses or instructional programs;
 - 2.2.1.1.3 the effective advising and mentoring of undergraduate and/or graduate students.
- 2.2.1.2 EVIDENCE Consistent with NDSU Policy 332 Assessment of Teaching, a candidate demonstrates quality of teaching (encompassing both instruction and advising) by providing evidence and information from multiple sources such as:
 - 2.2.1.2.1 the receipt of awards or special recognition including certification or licensing for teaching;
 - 2.2.1.2.2 student, peer, and client evaluation of course materials, expertise, and ability to communicate knowledge (note that student ratings of instruction, by themselves, are insufficient evidence of teaching effectiveness);
 - 2.2.1.2.3 peer evaluation of an individual's contribution to the improvement of instructional programs through the development and/or implementation of new courses, curricula or innovative teaching methods;
 - 2.2.1.2.4 the dissemination of best practices in teaching;

- 2.2.1.2.5 evaluation by advisees of the quality of graduate and undergraduate advising.

2.2.2 RESEARCH

- 2.2.2.1 CRITERIA In the areas of research and creative activities (as defines above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure, and post-tenure review:
 - 2.2.2.1.1 contributions to knowledge, either by discovery or application, resulting from the candidate's research, and/or
 - 2.2.2.1.2 creative activities and productions that are related to the candidate's discipline.
- 2.2.2.2 EVIDENCE A candidate demonstrates quality of research by providing evidence of completed original work (i.e. published/in press, exhibited, or funded) from multiple sources such as:
 - 2.2.2.2.1 dissemination of scholarly or professional papers, and publication of books, book chapters or articles;
 - 2.2.2.2.2 juried or invited presentations or productions in the theater, music, or visual arts, design, and architecture;
 - 2.2.2.2.3 the development and public release of new products or varieties, research techniques, copyrights, and patents or other intellectual property;
 - 2.2.2.2.4 peer evaluation of research by colleagues from an individual's discipline or area of expertise;
 - 2.2.2.2.5 the receipt of awards or special recognition for research;
 - 2.2.2.2.6 the receipt of grants or other competitive awards.

2.2.3 SERVICE

- 2.2.3.1 CRITERIA In the areas of service (as defined above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure and post-tenure review:
 - 2.2.3.1.1 contributions to the welfare of the department, college, university, or profession, and/or
 - 2.2.3.1.2 contributions to the public that make use of the faculty member's academic or professional expertise.
- 2.2.3.2 EVIDENCE A candidate demonstrates quality of service by providing evidence and information from multiple sources such as:

- 2.2.3.2.1 the receipt of awards or special recognition for service;
- 2.2.3.2.2 evaluation of an individual's service contributions by peers, administrators, and constituents;
- 2.2.3.2.3 active participation in and leadership of societies which have as their primary objective the furtherance of scholarly or professional interests or achievements;
- 2.2.3.2.4 active participation and leadership in University governance and programs at the department, college, university and system levels;
- 2.2.3.2.5 contributions to fostering a campus climate that supports and respects faculty, staff, and students who have diverse cultures, backgrounds, and points of view;
- 2.2.3.2.6 contributions to the management or improvement of administrative procedures or programs;
- 2.2.3.2.7 contributions to knowledge as editors of scholarly publications, or service on editorial boards, juries, or panels;
- 2.2.3.2.8 contributions to the operation of public or private organizations, boards, and agencies;
- 2.2.3.2.9 contributions to NDSU's Land Grant mission.

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

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

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

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

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

3.4. Faculty Hired Without Previous, Relevant Experience

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

3.5 Faculty Hired with Previous Relevant Experience

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

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

There are two options:

- 3.5.2.1 Faculty may be hired with one to three years of tenure credit. For each year of tenure credit awarded, one year shall be subtracted from the

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

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

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

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

3.6 Extension of Probationary Period

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

3.6.1 Extension of Probationary Period for Childbirth or Adoption

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

3.6.2 Extension of Probationary Period for Personal Illness or Disability

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

3.6.3 Extension of Probationary Period for Institutional Circumstances

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

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

- 3.6.4.1 Notification of extension of the probationary period due to childbirth or adoption may be initiated by the faculty member, the Department Chair/Head, or the Dean of the college.
- 3.6.4.2 Request for extension of the probationary period due to personal or family circumstances, personal illness or disability shall be initiated by the faculty member. In the case of requests involving disability or illness, it is the responsibility of the faculty member to provide appropriate documentation to adequately demonstrate why the request should be granted.
- 3.6.4.3 Request for extension of the probationary period due to institutional circumstances may be initiated by the faculty member, the Department Chair/Head, or the Dean of the college.
- 3.6.4.4 Faculty members may inform their Department Chair/Head and/or Dean of the college of their request if they wish to do so, but they are not required to do so.
- 3.6.4.5 Extension of the probationary period requests shall be submitted to the Provost using the Request for Probationary Period Extension form.
- 3.6.4.6 Once an extension of the probationary period request is approved, the faculty member, Department Chair/Head, and the Dean of the college will be notified in writing by the Provost. If the request is denied, the faculty member will be notified in writing by the Provost.

3.6.5 Confidentiality

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

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

Related Policies and Procedures:

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

Policy 168. Reasonable accommodation on the basis of disability - guidelines for employee requests (<http://www.ndsu.edu/fileadmin/policy/168.pdf>)

Policy 320. Faculty obligations and time requirements (<http://www.ndsu.edu/fileadmin/policy/320.pdf>).

- 3.7 As part of its statement on promotion, tenure, post-tenure review, and evaluation, each academic unit shall establish the criteria for promotion and tenure, including early promotion, and shall establish the minimum timeline for promotion from Associate Professor to Professor.

4. PERIODIC REVIEW

- 4.1 Periodic reviews of faculty serve multiple functions. The reviews assist faculty members in assessing their professional performance, assist the administration in delineating areas to which particular effort should be directed to aid in improving the professional achievement of the faculty members, and contribute to the cumulative base upon which decisions about renewal, promotion, and tenure are made. In addition, periodic reviews may result in changes in responsibilities, modified expectations, and/or altered goals for performance.
- 4.2 The procedures for periodic review that are developed by each academic unit shall be reviewed and approved by the college PTE committee and the Dean.
- 4.3 All full-time faculty will be reviewed annually. Unless college or department procedures provide otherwise, annual reviews of non-tenured faculty shall be conducted so that decisions and notifications can be made in accord with the deadlines listed in Section

350.3.

- 4.4 Probationary faculty hired into tenure-track positions must receive special review during their third year of service to the institution. This third-year review shall recognize and reinforce areas of strength as well as point out areas of weakness that could jeopardize the case for promotion and tenure. Specific formative evaluations shall be provided to help candidates prepare their strongest case for promotion and tenure. Any extension granted prior to the third year review will delay the review by an equal period.
- 4.5 While faculty in Professor of Practice and Research Professor positions are not eligible for tenure, promotion through ranks is encouraged and is based on time in rank and satisfactory evaluations of assigned responsibilities. An application for promotion is initiated via a departmental recommendation and follows the same procedure and submission deadlines as for tenure-line faculty. Faculty in such positions are eligible to apply for promotion from assistant to associate after the completion of five years in rank.
- 4.6 Unless college or department procedures provide otherwise, the department chair or head of the academic unit will be responsible for the conduct of the reviews and the communication of their results. Periodic reviews shall result in a written report to the faculty member being reviewed. The report shall state expectations and goals for the coming review period. For probationary faculty, the report shall include an assessment of the faculty member's progress toward tenure and recommendations for improvement. Should the periodic reviews indicate that a faculty member is not making satisfactory progress toward tenure, the report may include a recommendation for nonrenewal. In making a judgment on satisfactory progress toward tenure, due consideration shall be given to the candidate's academic record, performance of assigned responsibilities, and potential to meet the criteria for promotion and tenure at the end of the probationary period.
- 4.7 Colleges and departments shall develop specific post-tenure review policies appropriate to their faculty. Annual reviews of tenured faculty shall include an evaluation of the faculty member's performance relative to the current position description. For Associate Professors, annual reviews must include specific recommendations to strengthen the case for promotion. Annual reviews of Professors must recognize and reinforce areas of strength, as well as discuss areas of weakness and recommend improvements. Should the annual reviews indicate that performance of a faculty member is unsatisfactory under the standards for post-tenure review, the report shall include a recommendation for appropriate remedial action.
- 4.8 The faculty member being reviewed shall have 14 days to respond in writing to the written report if the faculty member wishes to do so. The written report, and any written response from the faculty member, shall become part of the faculty member's official personnel file.

5. COMPOSITION OF PTE COMMITTEES

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

- 5.2 Only tenured faculty members who have completed three years of full-time appointment with the University and who have attained the rank of associate professor or above are eligible for service with full voting rights on a college or department PTE Committee. When reviewing applications for promotion of Professors of Practice or Research Professors, PTE committees are encouraged to solicit advisory input from Associate/Full Professors of Practice or Research Professors. If allowed by department and college policies, PTE committees may include representation from Associate/Full Professors of Practice or Research Professors holding terminal degrees. Voting rights for Professors of Practice or Research Professors on applications for promotion shall be determined by the respective colleges or departments. Only in cases where unit policy allows can Professors of Practice or Research Professors who hold positions in the evaluating unit have voting rights on applications for promotion of Professors of Practice or Research Professors, respectively.
- 5.3 Prior to commencement of deliberations, the chair of any PTE committee must have received PTE committee training within the last three years, provided through the Office of the Provost. Nonadministrative faculty members who have applied for promotion and/or tenure may not be involved in the review and recommendation process of any candidate. Administrators who have applied for promotion may not be involved in the review and recommendation process of any candidate where there may be an actual or apparent conflict of interest. A candidate may provide input concerning selection of external reviewers if allowed by department and college policies.
- 5.4 The department and college PTE committees' reviews and recommendations are part of a process of peer review. Thus, faculty holding academic administrative appointments, including those with interim status, are not eligible to serve. ("Academic administrative appointment" includes appointments as President, Provost, Vice President or Provost, Associate or Assistant Vice President or Provost, Dean, Associate or Assistant Dean, Department Chair or Head, Associate, Assistant or Vice Chair or Head, and any other administrators who supervise and/or evaluate other faculty.) Center or Program Directors who do not supervise and/or evaluate other faculty are eligible to serve.
- 5.5 A college PTE committee member who has voted on the promotion/tenure of a candidate in the department PTE committee shall be recused from the vote by the college PTE committee. In such a case, college policy shall determine whether the committee member may or may not deliberate with the committee on the candidate.
- 5.6 Faculty members, including administrators, who participate in the PTE process shall be recused from deliberations and decisions regarding a candidate if there is a past or current relationship that compromises, or could have the appearance of compromising, a faculty member's judgment with regard to the candidate. The following list, while not exhaustive, illustrates the types of relationships that constitute a conflict of interest:
- A family relationship
 - A marital, life partner or dating/romantic/intimate relationship
 - An advising relationship (e.g., the faculty member having served as the candidate's PhD or postdoctoral advisor)
 - A direct financial interest and/or relationship
 - Any other relationship that would prevent a sound, unbiased decision

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

Conflicts of interest must be identified and resolved as soon as they are recognized, but no later than the start of the departmental PTE committee's review of a candidate's portfolio. Conflicts of interest may be identified by the candidate or anyone participating in the PTE review process for that candidate. Any individuals evaluating that candidate may voluntarily recuse themselves from the PTE process. A conflict of interest that would lead to involuntary recusal will be resolved by the Standing Committee on Faculty Rights (SCOFR). In such a case, the PTE process will be suspended until the conflict of interest is resolved. Every effort will be made to complete the review in the same academic year that the portfolio was submitted. If a delay exceeds 60 days, the candidate may request an altered timeline for consideration and approval by the Provost.

Formatted: Indent: First line: 0"

6. PTE PROCEDURES

- 6.1 The candidate shall ensure that the electronically submitted portfolio is current, accurate and complete for review at the department level using procedures consistent with department and college policies. The chair or head must forward the electronic portfolio together with the department's recommendations, and an explanation of the basis for them, to the College Dean and the College's PTE Committee according to the PTE Timeline published by the Office of the Provost:
https://www.ndsu.edu/fileadmin/provost/PTE/PTE_Timeline.pdf
- 6.2 In the absence of an approved extension, faculty who do not submit a tenure portfolio during their final probationary year, or who withdraw a submitted tenure portfolio, shall receive a one-year terminal contract for the following year. Only the candidate may withdraw a submitted tenure or promotion portfolio.
 - 6.2.1 After the deadline for submission of the portfolio to the Dean's office, as stated on the PTE timeline, the information that may be added to the portfolio is limited to
 - a) Recommendations by the evaluating units considering the portfolio at that time;
 - b) the candidate's response to those recommendations;
 - c) any materials requested by the evaluators.
 - 6.2.2 Candidates may petition the college Dean and PTE committee to add additional materials after the deadline. The Dean and PTE committee must both agree to the addition in order for additional material to be added.
 - 6.2.3 Any additional materials added to the portfolio must pertain to information or material already in the portfolio, such as pending publications or grant proposals.
- 6.3 Unsolicited individual faculty input is limited to the department level of review.
- 6.4 Recommendations and any other materials collected as part of the evaluation process at the department, college, and university levels must be added to the candidate's portfolio before being sent forward to the next level of review. At the time that any written materials are added to the candidate's portfolio, copies of the added material must be sent to the candidate for review. The candidate shall have 14 calendar days to respond in writing to the additional materials. Any response from the candidate to such materials must be in writing and must be included in the portfolio for review at the next level.
- 6.5 Allegations of misconduct discovered after the deadline for submission of the portfolio to the Dean's Office that could be detrimental to a candidate's case (e.g. academic misconduct) shall be handled through the appropriate University policy and mechanisms. In such cases,

the PTE process will be suspended by the Provost (or designee). Once the allegations are resolved, the PTE process will resume, using the version of the candidate's portfolio under consideration immediately prior to the allegations. The Provost (or designee) will apprise the PTE committee of any outcomes of a misconduct inquiry or investigation that may impact the evaluation of the portfolio. Any delays in resolving misconduct allegations will not adversely affect the candidate's evaluation. If a delay exceeds 60 days, the candidate may request an altered timeline, consistent with NDSU Policy 352, Section 3.6, for consideration and approval by the Provost (or designee). Once the PTE process resumes, the candidate may update the portfolio.

Deleted: until the allegations are resolved.

- 6.6 Colleges and departments shall document that they have followed all procedures; e.g., by a comprehensive checklist of the steps in the PTE process. The documentation must be included in the portfolio.
- 6.7 The College PTE Committee and the College Dean shall separately and independently review and evaluate the candidate's portfolio without discussion or communication.
- 6.8 The college PTE Committee shall prepare a written report, including recommendations and an explanation of the basis for them, that shall be included in the candidate's portfolio. The report and recommendations shall be submitted to the Provost according to the PTE Timeline. A copy shall be sent to the Dean, the chair or head of the academic unit, and the candidate.
- 6.9 The College Dean shall also prepare a separate written report, including recommendations and an explanation of the basis for them that shall be included in the candidate's portfolio. The Dean shall forward the report and recommendations, and the portfolio of the candidate, to the Provost according to the PTE Timeline. A copy of the Dean's report shall be sent to the College PTE committee, the chair or head of the academic unit, and the candidate.
- 6.10 The Provost shall review the candidate's materials and the recommendations of the Department, College PTE Committee, and College Dean, and shall solicit input from a nonvoting advisory committee consisting of a faculty representative from each College PTE Committee, selected by the Provost with attention to diversity. The Provost shall submit a recommendation to the President in writing, including an explanation of the basis for it, by the deadline established in the PTE guidelines. Copies of the Provost's written recommendation shall be sent to the candidate, the Department Chair/Head, the College Dean, and the Department and College PTE Committees.
- 6.11 When appropriate, the President shall then make the final recommendation to the SBHE for tenure. When appropriate, the President shall notify the candidate of promotion or denial of promotion.
- 6.12 In the case of joint appointments, the primary responsibility for the review rests with the department and the college that hold the majority or plurality of the appointments. Such department or college shall solicit input from the other units holding the remainder of the appointment as appropriate to the allocation of effort. This input from other units which shall be included in the portfolio.
- 6.13 When evaluating faculty participating in interdisciplinary programs, the primary department may solicit input from the director of the interdisciplinary program as appropriate to the allocation of effort.

7. APPEALS

- 7.1. Appeals of periodic reviews are made by requesting a reconsideration by the evaluating party. If not satisfied, the faculty member may initiate the grievance process pursuant to Section 353.
- 7.2. Appeals of nonrenewal and nonpromotion decisions shall be pursuant to Policy 350.3.

8. DOCUMENT RETENTION

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

HISTORY:

Amended	May 13, 1974
Amended	February 10, 1975
Amended	December 12, 1988
Amended	May 14, 1990
Amended	April 1992
Amended	December 12, 1994 (Effective date July 1, 1995)
Amended	June 1997
Amended	November 2000
Amended	October 2001
Amended	October 2007
Amended	July 2008
Housekeeping	February 14, 2011
Amended	October 11, 2011
Amended	June 19, 2014
Amended	October 19, 2015
Amended	January 27, 2016
Amended	April 11, 2016
Amended	September 8, 2016
Amended	April 12, 2017
Housekeeping	April 19, 2017
Amended	March 29, 2018
Amended	February 27, 2019
Amended	June 18, 2019

**NDSU Senate Resolution on Bison Football Games held with Spectators, Fall
2020
September 11, 2020**

Whereas the positivity rate of COVID-19 is increasing in Cass County and throughout the state of North Dakota, with today's positivity rate at 5.45% for North Dakota¹ and in a September 10 campus update, President Bresciani wrote that an estimated 7% of the campus community are asymptomatic spreaders of COVID-19.

Whereas, if that number is accurate and does not increase, it's likely that as many as 700 asymptomatic carriers will be in the Fargodome at the same time (as [10,000 fans are expected](#)), and in an environment where spectators will be engaging in activities that heighten the risk of spreading COVID-19 (loud speaking, frequent bathroom use, and eating and drinking, including use of alcohol before the game).

Whereas President Bresciani has recommended that members of our campus community avoid large gatherings in order to reduce further spread of COVID-19 (in both 9/4/20 and 9/10/2020 email communications),

Whereas the Office of the Governor of North Dakota has recommended that, under the [Smart Restart](#) plan, gatherings should be no more than 500 persons at the Green level and no more than 250 at the Yellow level (and that Concession and bar lines should be managed to ensure proper 6 feet physical distancing),

Whereas other Land Grant universities have responded to rising positivity rates by, among other measures, restricting attendance to athletic events (e.g., Iowa State—which has an outdoor stadium—has agreed to play their opening game without spectators in the stands²)

Whereas NDSU faculty, staff, and students have gone to great lengths to ensure an on-campus education option using a [HyFlex approach](#), which would be jeopardized if rates and/or cases continue to increase,

Whereas, NDSU has repeatedly expressed appreciation to students and employees for their efforts in minimizing the spread of COVID-19,

Whereas, the plan to encourage 10,000 people (whose COVID status would be untested) to congregate in the Fargodome (an indoor space with tight quarters at

¹ <https://www.health.nd.gov/diseases-conditions/coronavirus/north-dakota-coronavirus-cases>

² [Iowa State football stadium won't have fans for season opener](#)

entryways, concession stands, and restrooms) undermines the efforts staff, faculty, and students have put into maintaining operations at the university.

Therefore, the NDSU Faculty Senate resolves that NDSU should open the Fargodome to no more than 250 spectators for the scheduled October 5 football game against University of Central Arkansas, with an option to go to 500 spectators if Green level conditions hold.

North Dakota State University

Policy Manual

SECTION 156.1

TITLE IX COMPLAINT PROCEDURES



SOURCE: SBHE

1. It is the policy of NDSU to fully comply with all aspects of Title IX of the Education Amendments of 1972 and the regulations promulgated under its authority. These procedures are based off North Dakota University System Policy 520. In the event of direct conflict between these procedures and NDUS Policy 520, NDUS Policy 520 shall prevail. Similarly, any conflict between NDUS Policy 520 and any existing NDSU or NDUS policy or procedure shall be resolved in favor of NDUS Policy 520.
2. **Definitions.** For the purposes of NDSU's Title IX Complaint Procedures, the listed terms shall have the following definitions pertaining to the 2020 Title IX regulations and NDUS Policy 520:
 - a. *Actual Knowledge.* Notice of sexual harassment or allegations of sexual harassment to NDSU's Title IX Coordinators, Chairs, Heads, Deans, Directors, or any NDSU official with authority to institute corrective measures on the behalf of NDSU.
 - b. *Complainant.* An individual who is alleged to be the receiver of conduct which could, after investigation, constitute sexual harassment.
 - c. *Dating Violence.* Violence committed by the Respondent:
 - i. Who is or has been in a romantic or intimate relationship with the Complainant; and;
 - ii. Where the existence of such a relationship shall be determined by considering the length of the relationship, the type of relationship, and the frequency of interactions between the Complainant and Respondent.
 - d. *Deliberate Indifference.* When NDSU's response to sexual harassment is clearly unreasonable considering the information known to NDSU at the time.
 - e. *Domestic Violence.* Violence committed by the Respondent, who is:
 - i. a current or former spouse or intimate partner of the Complainant;
 - ii. a person with whom the Complainant shares a child in common;
 - iii. cohabiting with or has cohabited with the Complainant as a spouse or intimate partner;
 - iv. similarly situated to a spouse of the Complainant; or
 - v. any person against whose acts the Complainant is protected by N.D.C.C. ch. 14-07.1.
 - f. *Educational program or activity.* Includes locations, events, or circumstances over which NDSU exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, as well as in any building owned or controlled by a student organization that is officially recognized by NDSU.
 - g. *Fondling.* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

- h. *Formal Complaint.* A document filed by a Complainant (which either contains the Complainant's signature or indicates that the Complainant is the one filing the complaint) or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that NDSU investigates.
- i. *Incest.* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- j. *Rape.* Penetration, no matter how slight, of the vagina or anus of the complainant with any body part or object by the Respondent, or oral penetration of the Complainant by a sex organ of the Respondent, without the consent of the Complainant.
- k. *Respondent.* An individual who has been reported to be responsible for the conduct that could constitute sexual harassment.
- l. *Sexual Assault.* Either rape, fondling, incest, statutory rape, or any of the sexual offenses listed in N.D.C.C. ch. 12.1-20 or by the FBI's Uniform Crime Reporting system.
- m. *Sexual Harassment.* Conduct, on the basis of sex, constituting one (or more) of the following:
 - i. An employee of NDSU conditioning the provision of an aid, benefit, or service of NDSU on an individual's participation in unwelcome sexual conduct;
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NDSU's educational program or activity; or
 - iii. Sexual assault, dating violence, domestic violence, or stalking, as defined in this section.
- n. *Stalking.* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.
- o. *Statutory Rape.* Sexual intercourse with a person who is under the statutory age of consent
- p. *Supportive Measures.* Non-disciplinary, non-punitive individualized services offered as appropriate (as reasonably available) and without fee or charge to the Complainant or Respondent.

3. Pre-Grievance Process.

- a. **Timing.** This grievance process shall be carried out using reasonably prompt time frames, including time frames for filing and resolving appeals, and for informal resolution processes if offered. The informal resolution process will follow the process as outlined in Policy 156, Section 7, including the option that NDSU reserves the right to deny the Parties the option of using the informal resolution process if it is deemed to be inappropriate or inadequate. Notwithstanding, temporary delays or extensions of the time frames must be offered for good cause, with written notice to the parties setting forth the cause for the action.
 - i. *Good cause.* May include considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability.
- b. **Actual Knowledge of Sexual Harassment.** With or without the filing of a formal complaint, once NDSU has actual knowledge of sexual harassment within its educational program or activity in the United States, NDSU must respond promptly and without deliberate indifference pursuant to

these Procedures and any applicable NDSU policies.

- i. Once NDSU has actual knowledge of sexual harassment, the Title IX Coordinator must contact the Complainant and:
 - 1. Discuss the availability of supportive measures;
 - 2. Consider the Complainant's wishes regarding supportive measures;
 - 3. Inform the Complainant that supportive measures are available with or without the filing of a formal complaint; and
 - 4. Explain the process of filing a formal complaint.
- ii. No disciplinary sanctions or other actions which are not supportive measures may be imposed against any Party prior to the conclusion of the grievance process. Exceptions are Emergency Removal (section 1d) and Administrative Leave (section 1e).
- c. **Supportive Measures.** NDSU shall offer supportive measures designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the Parties, including measures designed to protect the health and safety of all Parties or the educational environment, or to deter further sexual harassment.
 - i. Supportive Measures may include but are not limited to:
 - 1. Counseling;
 - 2. Extensions of deadlines or other course-related adjustments;
 - 3. Modifications of work or class schedules;
 - 4. Campus escort services;
 - 5. Mutual restrictions on contact between the Parties;
 - 6. Changes in work or housing locations;
 - 7. Leaves of absence; and
 - 8. Increased security or monitoring of certain areas of campus.
 - ii. NDSU must maintain confidentiality with respect to supportive measures unless disclosure is required to implement the supportive measures.
 - iii. The Title IX Coordinator or other designee shall coordinate the effective implementation of supportive measures.
 - iv. Supportive measures may not restrict any Party's rights under the United States Constitution.
- d. **Emergency Removal.** NDSU may remove a Party from the educational program or activity on an emergency basis, provided that NDSU determines, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.
 - i. NDSU will provide the Respondent with notice and an opportunity to challenge the Emergency Removal decision immediately following the removal. In challenging the Emergency Removal decision, the Respondent shall have the burden to show why removal should not be implemented or be modified. While this challenge process may produce facts and evidence relevant to the grievance process, this challenge process need not follow all of the requirements of the grievance process. As such, this meeting

is not a hearing on the merits of the allegation(s) but rather is an administrative process intended to determine solely whether the emergency removal is justified.

- e. **Administrative Leave.** NDSU may place a non-student employee on administrative leave during the pendency of a grievance process.

4. Grievance Process.

a. Formal Complaint and Notice of Allegations.

- i. Once a formal complaint is received by NDSU, NDSU must provide the following written notice to the known Parties:
 - 1. Notice of the grievance process, including any informal resolution process as delineated in Policy 156, Section 7;
 - 2. Notice of the allegations of sexual harassment, including:
 - a. Sufficient details known at the time and with enough time to prepare a response, including, but not limited to, the names of the Parties, the conduct allegedly constituting sexual harassment, as defined by Title IX, and the date and location of the alleged conduct.
 - 3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
 - 4. A statement that the Parties may have an Advisor of their choice, who may be an attorney, and may inspect and review evidence. At the onset of the complaint resolution, an Advisor will be offered to each Party. The statement should also indicate that if the Party does not have an Advisor of choice, NDSU will appoint an Advisor to assist with cross-examination for the live hearing.
 - 5. Notice of any provisions in NDSU's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- ii. If during the grievance process, additional allegations are added to the investigation which were not included in the initial notice, NDSU must provide notice of the additional allegations to the Parties.

There is no deadline on when a Complainant may file a complaint.

b. Advisors.

- i. Parties to a grievance proceeding must be afforded the opportunity to select the Advisor of their choice to assist them during the proceeding, including during the live hearing.
- ii. If a Party does not choose an Advisor, NDSU shall provide the Party with an Advisor free of charge. At minimum, NDSU shall provide an Advisor to conduct the Party's cross-examination at the hearing. However, nothing in this policy or the Title IX regulations should be read to prohibit NDSU from providing an Advisor for the full duration of the grievance process, provided that the Parties are treated equally as to timing if NDSU

appoints Advisors for all Parties.

- iii. NDSU is not required to provide attorneys to Parties to act as Advisors, but appointed Advisors should be provided with access to appropriate training to ensure an understanding of the grievance process, though the same training provided to Title IX Coordinators, decision-makers, and Investigators is not required.
- iv. NDSU is not required to attempt to create equality of Advisors between the Parties, particularly where one Party selects an outside Advisor, but will endeavor to seek parity of Advisors where NDSU provides Advisors to all Parties.

c. Investigation.

- i. NDSU is required to investigate every filed formal complaint unless the complaint is subject to dismissal, as outlined in Section D.
- ii. At all times, the burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on NDSU, and NDSU may not seek to shift that burden to the Parties.
 - 1. Notwithstanding, NDSU may not restrict the Parties' ability to discuss the allegations or to gather or present relevant evidence.
- iii. At all times, NDSU shall observe a presumption that the Respondent is not responsible for the alleged conduct until and unless there is a determination of responsibility at the conclusion of the grievance process Investigators will avoid prejudgment of the facts presented by the Parties.
- iv. NDSU may not access, consider, disclose, or otherwise use a Party's medical records made or maintained in connection with the provision of treatment to the Party, unless voluntary, written consent to do so is provided by the Party (or the Party's parent, if the Party is not eligible to provide consent).
- v. NDSU may not require, allow, rely upon, or otherwise use evidence that constitutes, or questions that seek disclosure of, information protected under a legally recognized privilege, unless that privilege is waived.
- vi. NDSU must provide to the Parties written notice of the date, time, location, participation, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare. Dates and times of other interviews not involving the Party will not be provided beforehand.
- vii. The Parties must be afforded an equal opportunity to have others present during any grievance proceeding. This includes up to two Advisors, one who conducts the cross examination, and one who provides support. , — NDSU may establish restrictions regarding the extent to which the Advisors may participate in the proceedings, so long as the restrictions apply equally to all Parties and comply with this policy.
- viii. All Parties must have an equal opportunity to inspect and review any evidence obtained as part of the investigation related to the allegations raised in a formal complaint, including any evidence upon which NDSU does not intend to rely in reaching a determination of responsibility and any inculpatory or exculpatory evidence, from

whatever source.

- ix. At least 10 calendar days prior to the preparation of the Preliminary Investigative Report, NDSU must provide each Party and the Party's Advisor the evidence obtained in the investigation in an electronic format or hard copy. The Parties may submit a written response to the evidence, which the Investigator shall consider prior to completion of the Preliminary Investigative Report.
- x. At the conclusion of the investigation, the Investigator must create a Preliminary Investigative Report that summarizes the relevant evidence in an adequate, impartial, and reliable manner. At least 10 calendar days prior to the hearing, the Investigator must send a copy of the Preliminary Investigative Report to each Party and the Party's Advisor, if any, for review and written response.

d. Dismissal of the Complaint under Title IX.

i. Mandatory Dismissal

- 1. NDSU must dismiss the Formal Complaint if, at any time during the investigation or hearing:
 - a. The alleged conduct would not constitute sexual harassment or sexual violence as defined in these procedures;
 - b. The alleged conduct did not occur in an Educational Program or Activity; or
 - c. The conduct alleged did not occur against a person in the United States.
- 2. If the formal complaint is subject to mandatory dismissal, NDSU may act under another policy, including but not limited to [Policy 100: Equal Opportunity and Non-Discrimination](#), without that action constituting retaliation under this Policy. The procedures would then follow [Policy 156: Discrimination, Harassment, and Retaliation Complaint Procedures, or any other applicable NDSU policy](#).

ii. Permissive Dismissal.

- 1. NDSU may dismiss the formal complaint if, at any time during the investigation or hearing:
 - a. A Complainant notifies the Title IX Coordinator, in writing, that the Complainant would like to withdraw the formal complaint, or any allegations contained in the formal complaint;
 - b. The Respondent is no longer enrolled or employed by NDSU; or
 - c. Circumstances prevent NDSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the formal complaint.
- 2. If a formal complaint is permissively dismissed, NDSU may consult with its legal counsel prior to acting under another policy to avoid taking actions constituting retaliation.

- iii. **Notice of Dismissal.** Upon a dismissal pursuant to this section, NDSU must promptly send written notice of the dismissal under Title IX and reason for the dismissal to all Parties simultaneously.

- e. **Consolidation of Formal Complaints.** NDSU may consolidate formal complaints against more than one Respondent, by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment or sexual violence arise out of the same facts or circumstances.
- f. **Live Hearing.**
 - i. The grievance process must provide for a live hearing after the completion of the Preliminary Investigative Report. All evidence obtained by the Investigator as part of the investigative process must be made available to the Parties and the decision-maker at the live hearing.
 - ii. The live hearing will be presided over by the decision-maker, who will be free of all conflicts of interest, and who may not be the Investigator or the Title IX Coordinator.
 - 1. Decision-maker for student Respondents
 - a. In cases involving a student Respondent, the decision-maker will be the Assistant Dean of Students or the Dean of Students. In the event a conflict of interest precludes the participation of the Asst. Dean of Students or the Dean of Students, NDSU shall assign a properly trained individual to serve in the role of decision-maker.
 - 2. Decision-maker for non-student employees
 - a. In cases involving a non-student employee, the decision-maker will be a three-person panel of non-student employees. The three-person panel will be chosen out of the pool of trained individuals. These individuals will consist of full-time faculty and staff
 - 3. Notwithstanding the foregoing, if the need arises, NDSU reserves the right to contract or utilize the services of a properly trained third party to perform the role decision-maker. The need for such a third-party shall be in the sole discretion of NDSU.
 - iii. At the request of either Party, the hearing must be conducted with the Parties located in separate rooms with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or witness answering questions. Hearings may be conducted with all Parties physically present in the same geographic location, or, any Parties, witnesses, and other participants may appear at the live hearing virtually, so long as the participants are able to simultaneously see and hear each other.
 - iv. At the live hearing, the decision-maker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those regarding credibility. This cross-examination must be conducted directly (the questions may not be asked by the decision-maker), orally, and in real time by the Party's Advisor and never by a Party personally.
 - 1. Prior to a Party or witness answering a question, the decision-maker must rule on the relevance of the question and explain any decision to exclude a question as not relevant.
 - 2. Decision-makers may request, but may not require, that questions by the Parties be submitted in advance, to permit the decision-maker to rule on the relevance of questions.
 - 3. NDSU may otherwise limit the extent to which the Party's Advisor may participate in the hearing.

- v. *Rape Shield*. Questions and evidence about the Complainant's sexual predisposition or sexual history are not relevant, unless such questions are offered to prove that someone other than the Respondent committed the alleged conduct, or regard specific incidents of the prior sexual behavior with respect to the Respondent, and are offered to prove consent. These questions may be submitted prior to the start of the live hearing.
- vi. *Cross-Examination*. If a Party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. Decision-makers may not draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence or refusal to answer cross-examination or other questions. There are no exceptions to this exclusion as there are in legal proceedings.
- vii. *Hearing Decorum*. Decision-makers may enforce rules to ensure hearing decorum, such as requiring respectful treatment, specifying any objection process, governing timing of hearing and length of breaks, etc.
- viii. NDSU must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

g. Determination Regarding Responsibility.

- i. In all cases, the applicable standard of proof for determining responsibility for an alleged violation is "*preponderance of the evidence*" meaning, in order for Respondent(s) to be held responsible it must be determined that it is more likely than not that the Respondent(s) violated these procedures.
- ii. After the conclusion of the live hearing, the decision-maker must issue a written determination regarding responsibility, which must include:
 - 1. Identification of the allegations potentially constituting sexual harassment under these procedures;
 - 2. Description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather evidence, and hearings held;
 - 3. Findings of fact supporting the determination;
 - 4. Conclusions regarding the application of any other institution's policy;
 - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies will be provided to the Complainant; and;
 - 6. The procedures, timelines, and permissible bases for the Complainant and Respondent to appeal.
- iii. The written determination must be provided to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that notice of the result of any appeal is provided to the Parties, if an appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- iv. The Title IX Coordinator shall be responsible to implement any remedies provided by the written determination.

5. **Disciplinary Sanctions.** Disciplinary sanctions imposed after the conclusion of the grievance process shall be assessed pursuant to [Policy 151: Code of Conduct](#); [Policy 601: Code of Student Conduct](#), or any similar documents which set possible disciplinary sanctions for violations of Title IX and shall be proportional to the determination of responsibility.

Remedies. Remedies offered after the conclusion of the grievance process on a finding of responsibility must be designed to restore or preserve equal access to the educational program or activity. Remedies may be disciplinary or punitive and may create a burden for the Respondent.

6. **Appeals.**

- a. Regardless of the finding (responsible, not responsible, dismissal) all Parties have the right to file an appeal. The following may form the basis for an appeal:
 - i. Procedural irregularity that affected the outcome of the grievance process;
 - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter; or
 - iii. The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent, that affected the outcome of the grievance process.
 - iv. Other basis set forth in the campus-level processes, but which must be offered equally to all Parties (for example, an appeal based on the severity of the sanctions).
- b. Upon filing of an appeal, NDSU must:
 - i. Notify the non-appealing Party in writing when an appeal is filed and implement appeal procedures equally for all Parties.
 - ii. Ensure that the appeal's decision-maker is not: the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator.
 - iii. Give all Parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - iv. Issue a written decision describing the result of the appeal and the rationale for the result; and
 - v. Provide the written decision simultaneously to all Parties.
- c. If a disciplinary sanction of suspension or expulsion for students or termination for employees is imposed by the decision-maker, NDSU shall provide a method of reviewing an appeal from a determination regarding responsibility or dismissal for a period of at least one year following the original decision. For sanctions other than suspension, expulsion, or termination, an appeal must be submitted within 5 business days of receipt of the sanctions.

7. **Training.**

- a. All persons involved in the grievance process, including, but not necessarily limited to, Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the following areas:
 - i. The definition of sexual harassment;
 - ii. The scope of the educational program or activity;

- iii. How to conduct an investigation and understanding of the grievance process, including hearings, appeals, and informal resolution processes, as applicable;
 - iv. How to serve impartially, including by avoiding prejudgment of the facts at issue; conflicts of interest, and bias.
- b. Additionally, decision-makers must receive training on the following areas:
 - i. Any technology to be used at a live hearing; and
 - ii. Issues of relevance or questions and evidence, including when questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
- c. Investigators must also be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- d. All materials used to train the foregoing individuals must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- e. All training materials used to train the foregoing individuals must be made available to the public by posting on NDSU's website.

8. Recordkeeping.

- a. NDSU shall retain, for a period of seven years, records of:
 - i. Each sexual harassment investigation, including any determination regarding responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom;
- b. All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, which the institution must make available on its website; and NDSU must create and maintain for seven years, records of any actions, including records of supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, NDSU must document the basis for its response was not deliberately indifferent, and document that it took supportive measures, or, if supportive measures were not provided, an explanation of why such a response was not clearly unreasonable considering the known circumstances.

- 9. Confidentiality.** Notwithstanding Chapter 44-04 of the North Dakota Century Code, the identity of any individual who has made a report or complaint of sex discrimination or sexual harassment, any Complainant, any Respondent, and any witness, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, shall be confidential.

10. Retaliation.

- a. NDSU or any other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.
- b. Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

- c. The exercise of rights protected under the First Amendment does not constitute retaliation.
- d. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, although a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.
- e. Complaints alleging retaliation may be filed pursuant to the grievance procedures for sex discrimination under Title IX.

HISTORY:

New

July 30, 2020

Policy Change Cover Sheet

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



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

SECTION: Policy Number and Name **SECTION 327**

EVALUATION OF ACADEMIC ADMINISTRATORS

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: This policy makes a number of changes to ensure that the periodic reviews of academic administrators are shared with departments and other academic units under the purview of the administrator in a timely fashion. Changes were also made to more effectively ensure that periodic reviews are conducted in an unbiased format, and that the review process is used for developmental, rather than punitive, purposes. Changes were made to better define who should provide feedback, how to identify conflicts of interest, and the means through which feedback is collected.
2. This policy change was originated by (individual, office or committee/organization):
 - Office/Department/Name and the date submitted Commission on the Status of Women Faculty – 02/25/2020
 - Email address of the person who should be contacted with revisions: Daniel.Friesner@nds.edu

This portion will be completed by SCC Secretary (Heather Higgins-Dochtermann).

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

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

Legal Review:

Responsible Office:

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

Provost:

President:

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

SCC://SCC_cover_sheet.doc Revised 11/09/2017

North Dakota State University

Policy Manual

SECTION 327

EVALUATION OF ACADEMIC ADMINISTRATORS

SOURCE: NDSU President
Faculty Senate

1. Introduction

North Dakota State University believes every university employee deserves regular evaluation of his or her professional duties as they relate to a formal job description and the university's needs. This process should be transparent and constructive, including an acknowledgment of the employee's achievements, as well as an assessment of his or her ability to match the university's expectations.

This policy pertains to the provost, full-time vice provosts, academic vice presidents who report to the provost, academic deans, full-time academic associate and assistant deans, directors of academic offices, and chairs and heads. The evaluation process will include input from a variety of groups; faculty will play a major role in evaluation of academic administrators.

2. Annual Review

Each administrator covered by this policy will be reviewed annually by the administrative supervisor to whom that person reports in accordance with Policy 167. Supervisors shall solicit feedback from all relevant stakeholders (including, but not limited to, faculty and staff who interact with the administrator) as a part of the annual review process. Feedback shall be collected through a consistent means, such as letters, interviews or surveys.

3. Comprehensive Review

All administrators covered under this policy will undergo comprehensive review. The first comprehensive review will be completed by the end of the administrator's third year of appointment. Subsequent reviews will occur every five years, to be completed by the end of the fifth year after the prior review. Interim reviews may be initiated by the administrator or by the person to whom the administrator reports. If a review indicates substantial areas of concern or lack of performance, the next comprehensive review will be completed within two years of that review.

4. Common Review Criteria

Review criteria will be based on the administrator's job description and may include, but are not limited to, the following:

- a) leadership, strategic planning and assessment;
- b) administration and management;
- c) commitment to institutional values including equity and diversity, academic freedom, and shared governance;
- d) external relations;

e) service to the broad mission of the University.

The relative importance of evaluation areas will vary with administrator job description; therefore, some criteria above many not apply and others may be added.

5. Procedures

Comprehensive reviews will be initiated by the administrator's supervisor and must be conducted according to the procedures dictated by the specific unit and/or College. The Comprehensive Review Procedures for Academic Administrators are to be used for the evaluation of Deans, Directors, Vice Provosts, and Academic Vice Presidents. The remaining administrators covered under this policy reside in a College. Each College shall develop procedures to guide these reviews and post their specific procedures on their College website.

Deleted: .

Deleted: Comprehensive Review Procedures for Academic Administrators.

Review committees – consisting of tenured faculty, relevant administrators, and staff – will be formed in accordance with the appropriate comprehensive review procedures that apply to the administrator. The review committee shall prepare a report summarizing its findings for submission to the supervisor. The supervisor shall be responsible for assembling a review committee to collect and summarize feedback from stakeholders. Feedback on the committee's composition shall be solicited from the administrator under review. The composition of the committee should reflect the diversity of stakeholders with whom the administrator being reviewed interacts, as well as diversity based on gender and other protected factors. Individuals with a conflict of interest are ineligible to serve on the review committee. Conflicts of interest exist if there is a past or current relationship that compromises, or could have the appearance of compromising, a faculty member's judgment with regard to the candidate. The following list, while not exhaustive, illustrates the types of relationships that constitute a conflict of interest:

Deleted: Comprehensive Review Procedures.

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

Deleted: ¶

The supervisor will provide a summary of the review to the unit. ¶

If a party believes there is a conflict of interest with a member(s) of the review committee, the party should provide the administrator's supervisor with a written request asking that the member(s) be recused and another review committee member(s) be assigned in place of the recused individual(s). The request must be made within 3 business days of receiving the review committee's membership. Upon receiving the request, the supervisor will appoint a new committee member(s), and will provide all affected parties with written notice of the change in the review committee's composition. This process may be repeated. A third request for recusal would require formal, written justification and must be mutually agreed upon by the administrator, the administrator's supervisor, and (if the request is not made by the administrator) the party making the request.

The review committee shall prepare a report summarizing its findings for submission to the supervisor. Prior to the committee disseminating the report's findings, the administrator being reviewed will have an opportunity to respond to the summary report in writing. The administrator has 14 days to respond to the report, which will be submitted to the administrator's supervisor and the review committee.

Within 60 days of the submission of the report, the supervisor shall attend an open forum or faculty meeting and provide a verbal summary of the review. Copies of the summary report and the

administrator's response will not be posted on publicly available (i.e., non-password protected) websites.

HISTORY:

New	July 1990
Amended	April 1992
Amended	January 1995
Amended	January 1996
Amended	February 1997
Amended	May 1997
Amended	January 2003
Amended	October 2007
Housekeeping	February 14, 2011
Housekeeping	July 12, 2013
Amended	January 9, 2017

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Normal, Indent: Left: 0"

North Dakota State University

Policy Manual

SECTION 350.3

BOARD REGULATIONS ON NONRENEWAL, TERMINATION OR DISMISSAL OF FACULTY

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

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

If a faculty member is appointed during the academic year, then the initial contract shall indicate when the first academic year of service at the institution begins. For the purpose of this section, "academic year of service" means on a probationary appointment. The twelve months notice may be given at any point during the calendar year and the appointment terminates twelve months thereafter. (This NDSU language clarifies the interpretation that has been applied to this NDUS language throughout the University System.)

- b. A department chair, dean or other person authorized under institution policies to give such notice shall provide written notice of the decision, including a reference to the policy section pursuant to which the action is taken. The faculty member may within ten calendar days after receipt of the notice request a reconsideration by the deciding body or individual. The faculty member may incorporate a request for mediation in the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.

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

2. An institution may terminate a probationary appointment, effective at the end of any contract term, with no less than 90 days notice of nonrenewal, based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is

terminated pursuant to this subsection, the provisions of subsection 1 do not apply.

3. A special appointment expires at the end of the term stated on the contract and may be renewed at the discretion of the institution. The decision to renew or not renew a special appointment is not reviewable under subsection 4 of this policy; it is, however, reviewable under Policy 353: Grievances – Faculty. Additionally, a special appointment may be terminated prior to the term stated on the contract. A decision to terminate a special appointment prior to the term stated on the contract is reviewable pursuant to subsection 4 of this policy. (See Policy 350.1, 4c.)
4. A faculty member on probationary or special appointment may, within twenty-one calendar days after receipt of notice of nonrenewal of a probationary appointment or termination of a special appointment or, if the faculty member requests reconsideration or the parties agree to mediation under paragraph b of subsection 1, within twenty-one calendar days of receipt of the results of the reconsideration or conclusion of mediation, request review of the decision and hearing by Standing Committee on Faculty Rights by following the process set forth in NDSU Policy 350.4. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). “Inadequate consideration” means that the decision was arbitrary and capricious, or not the result of a conscientious and deliberative review process in which relevant evidence was considered and irrelevant evidence was excluded, or that the process lacked fundamental fairness.
5. A faculty member may terminate an appointment effective at the end of the term of the appointment by giving notice in writing at the earliest possible opportunity, but not later than May 15, or one month after receiving notification by the institution of the terms of an appointment for the coming academic year, whichever date occurs later. The faculty governance structure at an institution may recommend procedures permitting a faculty member to request a waiver of this deadline in case of hardship or for other good cause defined by those procedures. An institution may provide that failure without reasonable cause by a faculty member to return a contract by the time set forth in the contract shall constitute a resignation. Any return time so established by the contract shall be reasonable.

Resignation or Retirement

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

6. An institution may terminate an appointment of a tenured faculty member following a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses. In such cases, significant consideration shall be given to length of service and tenure status in the retention of faculty members within the affected academic unit or program area, curriculum requirements, professional achievements, breadth of competence, and equal employment opportunity. A tenured faculty member terminated pursuant to this subsection shall be given written notice of termination,

including the reason(s) for the action, at least twelve months prior to the date of termination. Each institution shall establish procedures for implementing this policy.

- a. A tenured faculty member given notice of termination under this section may request that the institution circulate his or her vita to other academic units or program areas within the institution. In addition, the institution shall ensure that fair consideration is given to the faculty member, during the period of the terminal appointment, for vacant academic positions in the employing institution for which the faculty member is qualified. The faculty within any academic unit or program area shall have the major responsibility in determining qualifications for appointment therein. If a tenured faculty member accepts an appointment in a different academic unit or program area, the faculty member shall retain his or her tenure status, subject to approval of the Board.
- b. A position terminated under this section shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within which to accept or decline it.
- c. The provisions of section 605.4 (NDSU 350.4) do not apply when a tenured faculty member is terminated under this subsection. The faculty member may, however, within twenty-one calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.

- 1) *An administrative decision to terminate a tenured faculty member within the university shall be preceded by the following steps:*

- a) *Consultation with the dean of the college or equivalent unit involved regarding the justification for terminating tenured appointments.*
- b) *Consultation with the faculty and the relevant PTE committee in an academic unit or program regarding the termination of tenured appointments.*

- 2) *Once the administration decision is finalized following these consultations, the identification of faculty members for termination shall be made by the University president following recommendations by the dean.*

7. In accordance with section 305.1 of these policies, the faculty governance structure at each institution shall adopt procedures by which faculty participation is solicited before notice of termination is given any tenured faculty member pursuant to subsection 6. Faculty participation shall be solicited concerning:

- a. The extent to which there are grounds for termination of tenured appointments;
 - b. Judgments determining where within the overall academic program termination of appointments may occur; and
 - c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.
- 1) *An administrative decision to terminate a tenured faculty member within the university shall be preceded by the following steps:*

- a) *Consultation with the Executive Committee of the Faculty Senate regarding the extent to which there are grounds for termination of tenured appointments.*
 - b) *Consultation with the Academic Affairs committee of the University Senate regarding the justification for terminating tenured appointments, if that is a consequence of the decisions; and*
 - c) *Consultation with the Academic Affairs committee, or the equivalent, of the college or equivalent unit involved regarding the justification for terminating tenured appointments.*
 - d) *Consultation with the faculty in an academic unit or program regarding the consequences of the decision.*
- 2) *Once the administration decision is finalized following these consultations, the identification of faculty members for termination shall be made by the University president following recommendations by the dean.*
8. A faculty member may be dismissed at any time for adequate cause. Adequate cause means: (a) demonstrated incompetence or dishonesty in teaching, research, or other professional activity related to institutional responsibilities, (b) continued or repeated unsatisfactory performance evaluations and failure to respond in a satisfactory manner to a recommended plan for improvement; (c) substantial and manifest neglect of duty, (d) conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or the institutional responsibilities of others, (e) a physical or mental inability to perform assigned duties, provided that such action is consistent with laws prohibiting discrimination based upon disability, or (f) significant or continued violations of Board policy or institutional policy, provided that for violations of institutional policy the institution must notify the faculty member in advance in writing that violation would constitute grounds for dismissal, or the institutional policy must provide specifically for dismissal as a sanction.
- a) An authorized institution officer shall give written notice of intent to dismiss and specify the reasons for the action. The officer may, in the officer's discretion, also schedule a meeting with the faculty member to discuss the action. The notice shall state that the officer will forward to the institution president a recommendation to dismiss unless the faculty member, within twenty-one calendar days of receipt of the notice, requests a hearing before the Standing Committee on Faculty Rights. If the faculty member does not make a timely request for a hearing, the president, upon receipt of a recommendation to dismiss, shall make a decision and provide written notice and reasons for the action to the faculty member within ten business days of receipt of the recommendation.
- 1) *Written notice of the intent to terminate or dismiss shall be given to the faculty member.*
 - 2) *Appropriate administrative officers include the academic unit or program chair and the dean of the college or equivalent unit.*

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

- b) A faculty member may, within twenty-one calendar days of receipt of notice of intent to forward to the institution president a recommendation to dismiss, request for a formal

hearing before the Standing Committee on Faculty Rights, pursuant to section 605.4. (NDSU 350.4)

- c) Pending a final decision on dismissal for adequate cause, the faculty member may be suspended by the institution's president, or assigned to other duties in lieu of suspension, if it is reasonably determined that it is in the best interests of the faculty member or the institution to do so. The faculty member's salary and fringe benefits shall continue during a period of suspension. Salary and benefits shall be terminated upon a final decision by the institution president to dismiss the faculty member following conclusion of proceedings at the institution.
- d) This section shall not apply to conduct by a faculty member which is alleged to constitute sexual harassment under Title IX of the Education Amendments of 1972, which is governed by NDSU Policy 156.1.

9. If the administration determines that the conduct of a faculty member, although not constituting ground for termination or dismissal, provides reasonable cause for imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction. A sanction means demotion, suspension (but not including suspension pending a dismissal or termination decision), salary reduction or loss of salary, or restriction or loss of privileges imposed as a formal disciplinary measure. A sanction does not include implementation of an improvement plan or performance action plan or negative comments in a performance review, letter of reprimand or other document placed in a personnel file; rights to respond to a performance review or a letter of reprimand or other document placed in a personnel file are set forth in N.D.C.C. , 54-06-21 and institution grievance procedures adopted under SBHE Policy 612. If the sanction is imposed following a hearing by the Standing Committee on Faculty Rights and based on the hearing record, there is no further review. If the sanction is imposed without a hearing, the faculty member may request review upon filing with the institution's president and chair or senior member of the Standing Committee on Faculty Rights a request for review and specifications of reasons within twenty-one calendar days of receipt of notice of imposition of a sanction. The institution shall have twenty-one calendar days following receipt of the request for review to file a response. The Standing Committee on Faculty Rights shall review the matter according to procedures established at the institution for that purpose and issue a written report within twenty-one calendar days of receipt of the institution's response and may make a recommendation to resolve the dispute, stating its reasons. The institution shall make its final decision upon reconsideration and provide written notice of that decision to the faculty member within ten business days of receipt of the report and recommendation of the Standing Committee on Faculty Rights. Upon filing of a request for review pursuant to this subsection, imposition of the sanction shall be suspended pending a final decision of the institution's president following conclusion of those proceedings.

HISTORY:

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

Amended	April 25, 1995
Amended	July 1, 1996
Amended	January 1997
Amended	October 1998
Amended	February 2001
Amended	June 2003
Amended	August 2003
Amended	March 2004
Amended	February 2005

Amended	November 2005
Amended	March 2010
Housekeeping	February 14, 2011
Housekeeping	February 27, 2012
Amended	March 5, 2012
Amended	June 22, 2015

North Dakota State University

Policy Manual

SECTION 350.4

BOARD REGULATIONS ON HEARINGS AND APPEALS

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

1. A faculty member may request a hearing with the Standing Committee on Faculty Rights by filing a written notice, accompanied by a specification of the reasons or the grounds upon which the appeal is based, with the Committee chair or senior member of the Committee and the institution's president. The institution shall have ten business days from receipt by its president of the notice and specifications to file a response with the Committee Chair or senior member of the Committee and the faculty member.
2. The Committee shall appoint, at the expense of the institution according to institution procedures, a hearing officer with authority to conduct pre-hearing meetings, supervise exchange or collection of information, advise the Committee or preside over the hearing. The faculty member, the institution and their representatives shall comply with all reasonable directives and requests of the hearing officer appointed by the Committee. The institution shall provide necessary clerical support for the Committee, and upon request, for the hearing officer.
3. The Committee or the hearing officer shall hold a pre-hearing meeting or meetings in order to (a) simplify the issues, (b) effect stipulations of facts, (c) provide for the exchange of documentary or other information, or (d) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious. The faculty member, the institution and their representatives shall participate in pre-hearing meetings upon request and comply with the directives of the Committee or the hearing officer. (*"Discovery" is defined as the exchange or collection of information.*) Discovery shall be informal and formal depositions or interrogatories for the purposes of discovery are not permitted, except with agreement of the parties.
4. The Committee or the hearing officer shall serve written notice of hearing on the faculty member and the president or their representatives at least twenty calendar days prior to the hearing.
5. The faculty member and the institution may stipulate to a decision on the basis of the written statements, in which case the Committee shall make its decision on that basis.
6. During the proceedings the institution and the faculty member are entitled to have an administrative or academic advisor and counsel of their choice and at their own expense. Proceedings concerning the appointment or removal of a faculty member may, pursuant to N.D.C.C. Section 15-10-17, be closed, unless the faculty member requests that the proceedings be open, in which case the proceedings shall be open. Proceedings not concerning the appointment or removal of a faculty member, including proceedings concerning discipline not involving dismissal, shall be open.
7. A verbatim transcript of the hearing or hearings shall be made at the institution's expense and shall be accessible to both parties. A party shall be provided a copy of the record, or part of the record, upon request, at the institution's expense.

8. The findings of fact, conclusions and the decision shall be based solely on the evidence received by the Committee. In cases brought under section 605.3(4), the faculty member has the burden of persuasion to prove, by a preponderance of the evidence, that the action violated the faculty member's rights; in cases appealed pursuant to section 605.3(8) or (9), the burden of proof that grounds for the institution's action exist shall rest with the institution and be satisfied only by clear and convincing evidence in the record considered as a whole.
9. The Committee may admit any evidence which is of probative value in determining the issues or if the interests of justice will best be served by admitting the evidence. Every reasonable effort shall be made to obtain the most reliable evidence available. The Committee shall grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
10. The faculty member shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The institution shall cooperate with the Committee in securing witnesses and making available documentary and other evidence. The faculty member and the institution shall have the right to confront and cross-examine all witnesses. Testimony may be taken by deposition, including deposition by telephone, or witnesses may testify by telephone, facsimile, video or other electronic means, upon agreement of the parties or, absent an agreement, upon request of a party and determination by the Committee or hearing officer that such use does not substantially prejudice the rights of any party. Affidavits may be received into evidence upon stipulation of the parties.
11. The Committee's findings of fact, conclusions and recommendations, with supporting reasons, shall be reported, in writing, to the institution's president and the faculty member or the faculty member's representative. If the institution's action was a notice of dismissal and if the Committee concludes that adequate cause for dismissal has been established, but that a lesser penalty would be more appropriate, it may so recommend with supporting reasons. The president shall make a decision and provide written notice of the decision, including findings of fact and reasons or conclusions based on the hearing record, to the Committee and the faculty member within twenty calendar days of receiving the report. The faculty member or Committee may, within ten calendar days of the decision, submit a written response to the decision, to which the president may reply.
12. The decision of the president is final.
13. This Policy shall not apply to appeals from a determination of responsibility regarding a formal complaint of sexual harassment under Title IX of the Education Amendments of 1972, which is governed by NDSU Policy 156.1.

HISTORY:

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

Amended	April 25, 1995
Amended	March 1998
Amended	February 2001
Amended	August 2003
Amended	December 2005