

## **NDSU Faculty Senate**

12 September 2016

Prairie Rose, Memorial Union

### **Agenda**

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- I. Call to Order
- II. Attendance
- III. Approval of previous meeting minutes from May 9 2016 (attachment 1)
- IV. Consent agenda
- V. Announcements
  - a. Dean Bresciani, President
  - b. Beth Ingram, Provost
  - c. Katie Gordon, Faculty Senate President
  - d. Stuart Haring, Faculty Senate President-Elect
  - e. Jim Osland, Staff Senate President
  - f. Spencer Moir, Student Government President
- VI. Unfinished Business – Update and follow-up information will be provided about the status of these policies based upon Senate decisions from the May 2016 meeting.
  - a. Policy 801 (attachment 3)
  - b. Policy 813 (attachment 4)
- VII. New Business
  - a. Faculty Senate goals and priorities for the upcoming year
  - b. Resolution Proposal by Dennis Cooley (attachment 2)
- VIII. Adjourn

# Faculty Senate Minutes

Fargo, ND 58108

North Dakota State University

May 9, 2016

The Faculty Senate meeting was held at 3:30 pm, in the Prairie Rose Room of the Memorial Union with Dr. D. Cooley presiding and the following senators present: T. Barrett, G. Bora, A. Braaten, B. Braaten, W. Christensen, M. Christenson, C. Cwiak, S. Duffield, J. Frenzel, J. Gao, E. Gillam, K. Gordon, G. Gramig, J. Hageman, T. Hall, S. Haring, M. Harvey, S. Herren, E. Hilliard, F. Huseynov, K. Krishnakumar, F. Marais, S. Markell, K. McPhee, T. Peters, C.A. Platt, B. Pruess, S. Salem, M. Secor-Turner, S. Shaik, M. Smith, M. Strand, W. Sun, A. Tangpong, A. Ungar, S. Vetter, T. West, D. Wyum, M. Yang, and S. Zhong

Substitutions – S. Dekeyser for C. Hargiss, B. McDaniel for W. Kopp, and V. Hinsz for L. Thomas

## I. Agenda Updates

MOTION (West/Harvey): to add General Education and Academic Affairs addendums to the consent agenda. MOTION CARRIED WITH UNANIMOUS CONSENT.

MOTION (Cooley): to move Policy 156 from consent agenda to New Business, after policy 325 (a senator asked that this policy be removed from consent agenda).

## II. Approval of April 18, 2016 minutes

MOTION (Christianson/Gillam): to approve the April 18, 2016, Faculty Senate meeting minutes as distributed. MOTION CARRIED WITH UNANIMOUS CONSENT.

## III. Consent agenda

a. Academic Affairs Report ([attachment 1](#))

- b. Policy changes ([attachment 2](#)) (All housekeeping changes: 100-816; information only: 156-183)
- 100
  - 171
  - 603
  - 703
  - 707
  - 802
  - 816
  - 156 – a senator asked for this to be removed and put in new business
  - 183

MOTION (Unger/Gillam): to approve consent agenda. MOTION CARRIED WITH UNANIMOUS CONSENT.

## IV. General Announcements

- *D. Bresciani, President*
  - Plaque presented to D. Cooley for service as Faculty Senate President.
  - Most of President Bresciani's time is being spent on the budget situation of having to cut an additional 10% (plus 2.5-3% for inflation) from the budget for the biennium.
  - A committee has been working on the above separately from the 4.05% allotment. They have come up with over 200 ideas of how to deal with the cuts.
- *B. Ingram, Provost*
  - 10% is about 15.8 million dollars. 80% of the appropriated budget is in Academic Affairs.

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- Allotment was handled in not spending money that we had received and salary savings.
- Three things discussed at the open forum: 1) growing ourselves out of the budget cut; finding ways to incentivize depts. to offer programs that would bring new students or new revenues to campus. This is important but it doesn't help us with the \$15 million cut though because we have to present a budget that is at 90% of our current budget and we can't do that by saying we can bring \$15 million dollars of revenue in, trust us. They going to expect us to outline the \$15 million in cuts. But generating new revenue will help us with the revenue we are losing. 2) Streamline what we do, especially on the administrative side. Look at the number of administrative positions on campus and how we are configured on campus. There should be some salary and organization savings by streamlining this. 3) Curriculum organization – course sizes, etc.
- Another Qualtrics survey will be sent out and invite faculty, staff and academic affairs to provide feedback on ideas.
- Need to have an idea where our budget savings is going to come from by midJuly.
- Can email Provost with information from the form that was passed out at open forum on May 5<sup>th</sup>.
- *D. Cooley, Faculty Senate President*
  - Tom Ambrosio's term on CCF expired, Jane Schuh will replace him and start a 3 year term. B. Pruess will replace K. Noone due to her departure from the university, and will finish the last 2 years of this term. S. Duffield will be the alternate member.
  - SCoFR election – there are two candidates at this time. You must be a full professor if you are interested in doing it. A secured electronic vote has to be sent to the entire faculty on campus.
  - Legislature Cheat Sheet ([attachment 3](#)) explains how to go about interacting as a constituent with the legislators.
  - Policy and Procedure – There is an ad hoc committee working on Policy and Procedure, they have determined how to separate them and will start working on policies at the 300 level which is Policy on Faculty.
  - Faculty Affairs Committee – D. Cooley received two questions, the first one was if the Leave policy has any flexibility; if faculty can do a half year or if they have to do a full year. Cooley sent this to the Faculty Affairs to render a decision and bring back to Senate. Their decision doesn't necessarily have any force, it's just so they can look at it.
  - Interest in having staff evaluate faculty (reciprocal evaluation) – sent to staff affairs to see if practical.

MOTION (M. Christenson/M. Strand) to approve – MOTION PASSED WITH VOTE OF 40-1-2. The following senators or their substitutes voted aye: T. Barrett, A. Braaten, B. Braaten, W. Christensen, M. Christenson, C. Cwiak, S. Duffield, J. Frenzel, J. Gao, E. Gillam, K. Gordon, G. Gramig, J. Hageman, T. Hall, C. Hargiss, M. Harvey, S. Herren, E. Hilliard, F. Huseynov, W. Kopp, K. Krishnakumar, F. Marais, S. Markell, K. McPhee, T. Peters, C.A. Platt, B. Pruess, S. Salem, M. Secor-Turner, S. Shaik, M. Smith, M. Strand, W. Sun, A. Tangpong, A. Ungar, S. Vetter, T. West, D. Wyum, M. Yang, S. Zhong, the following senators or their substitutes voted nay: L. Thomas, the following senators or their substitutes abstained: G.Bora and S. Haring.

- *S. Moir, Student Government President*
  - Spencer introduced himself as new Student Government President and Anuj Teotia is Vice President.

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## V. Senate Committee Reports

- a. Report from ad hoc committee on Campus Safety and Security Survey - Carol Cwiak ([attachment 4](#))

## VI. Unfinished Business

- a. Proposal to merge Academic Affairs and General Education committees ([attachment 5](#))
  - i. C.A. Platt showed a slide that showed the current system and the proposed system side by side and another slide that laid out the transition and assessment plan for the merger.
  - ii. A question regarding when the rollback takes place, it is not stated that it can be done if in the Spring of 2017 the merger doesn't prove to be effective.
    - Proposal indicated FS can take appropriate actions as necessary.
  - iii. Concern about the process of AA and GE and how productive they will be knowing that they will be dissolved in January.
  - iv. W. Christensen had a handout that members of a committee signed.

MOTION: to approve (second vote). MOTION PASSED WITH VOTE OF 29-12-2. The following senators or their substitutes voted aye: T. Barrett, B. Braaten, W. Christensen, M. Christenson, C. Cwiak, J. Frenzel, J. Gao, E. Gillam, K. Gordon, J. Hageman, T. Hall, C. Hargiss, S. Haring, E. Hilliard, F. Huseynov, F. Marais, K. McPhee, T. Peters, C.A. Platt, B. Pruess, S. Salem, M. Secor-Turner, S. Shaik, M. Strand, A. Tangpong, A. Ungar, S. Vetter, D. Wyum, and M. Yang, the following senators or their substitutes voted nay: A. Braaten, S. Duffield, G. Gramig, M. Harvey, S. Herren, W. Kopp, K. Krishnakumar, S. Markell, M. Smith, W. Sun, T. West, and S. Zhong, the following senators or their substitutes abstained: G. Bora and L. Thomas.

- b. Proposal to change FS Budget Committee ([attachment 6](#))

MOTION: to approve (second vote). MOTION PASSED WITH VOTE OF 40-2-0. The following senators or their substitutes voted aye: T. Barrett, G. Bora, A. Braaten, B. Braaten, W. Christensen, M. Christenson, C. Cwiak, S. Duffield, J. Frenzel, J. Gao, E. Gillam, K. Gordon, G. Gramig, J. Hageman, T. Hall, C. Hargiss, S. Haring, M. Harvey, S. Herren, E. Hilliard, F. Huseynov, K. Krishnakumar, F. Marais, S. Markell, K. McPhee, T. Peters, C.A. Platt, B. Pruess, S. Salem, M. Secor-Turner, S. Shaik, M. Smith, M. Strand, A. Tangpong, L. Thomas, S. Vetter, T. West, D. Wyum, M. Yang, and S. Zhong, the following senators or their substitutes voted nay: W. Kopp and A. Ungar.

- c. General Education Committee – Joe Mike Jones and Crosswalk ([Attachment 7](#))
  - i. Mapping of the “old” categories to the “new” outcomes.

MOTION (Secor-Turner/W. Christensen): to approve Crosswalk. MOTION PASSED WITH VOTE OF 35-4-4. The following senators or their substitutes voted aye: T. Barrett, G. Bora, A. Braaten, B. Braaten, W. Christensen, M. Christenson, C. Cwiak, J. Frenzel, J. Gao, E. Gillam, K. Gordon, J. Hageman, T. Hall, C. Hargiss, S. Haring, M. Harvey, S. Herren, E. Hilliard, F. Huseynov, W. Kopp, K. Krishnakumar, F. Marais, S. Markell, K. McPhee, T. Peters, C.A. Platt, S. Salem, M. Secor-Turner, M. Smith, M. Strand, A. Tangpong, A. Ungar, S. Vetter, T. West, and S. Zhong, the following senators or their substitutes voted nay: G. Gramig, S. Shaik, L. Thomas, and M. Yang, the following senators or their substitutes abstained: S. Duffield, B. Pruess, W. Sun, and D. Wyum.



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## VII. New Business

### a. Election of Faculty Senate President-Elect

- Becomes effective 12:01 am May 17.
  - i. Stuart Haring ([attachment 8](#))
  - ii. Carlos Hawley ([attachment 9](#))
  - iii. Bob Pieri ([attachment 10](#))

MOTION (Gillam/Platt): to approve Faculty Senate President-Elect. Stuart Haring elected as 2016-17 Faculty Senate President Elect with a vote of 23-9-11. The following senators or their substitutes voted for Haring: T. Barrett, G. Bora, W. Christensen, C. Cwiak, J. Frenzel, E. Gillam, K. Gordon, G. Gramig, C. Hargiss, E. Hilliard, F. Huseynov, W. Kopp, K. McPhee, T. Peters, C.A. Platt, B. Pruess, S. Salem, M. Smith, M. Strand, L. Thomas, A. Ungar, D. Wyum, and S. Zhong, the following senators or their substitutes voted for Hawley: A. Braaten, B. Braaten, J. Hageman, T. Hall, M. Harvey, K. Krishnakumar, F. Marais, M. Secor-Turner, and T. West, the following senators or their substitutes voted for Pieri: M. Christenson, S. Duffield, J. Gao, S. Haring, S. Herren, S. Markell, S. Shaik, W. Sun, A. Tangpong, S. Vetter, and M. Yang.

### b. Policy 190 ([attachment 11](#))

- i. Graduate school revised the policy to clarify the language so it's legally compliant regarding how student documents are handled.

MOTION (C.A. Platt/Wyum): approve revisions to Policy 190. MOTION PASSED WITH VOTE OF 40-1-1. The following senators or their substitutes voted aye: T. Barrett, G. Bora, A. Braaten, B. Braaten, W. Christensen, M. Christenson, C. Cwiak, S. Duffield, J. Frenzel, J. Gao, E. Gillam, K. Gordon, G. Gramig, J. Hageman, T. Hall, C. Hargiss, M. Harvey, S. Herren, E. Hilliard, F. Huseynov, W. Kopp, F. Marais, S. Markell, K. McPhee, T. Peters, C.A. Platt, B. Pruess, S. Salem, M. Secor-Turner, S. Shaik, M. Smith, M. Strand, A. Tangpong, A. Ungar, S. Vetter, T. West, D. Wyum, M. Yang, S. Zhong, the following senators or their substitutes voted nay: L. Thomas, the following senators or their substitutes abstained: W. Sun.

### c. Policy 352 ([attachment 12](#))

- i. The 352 ad hoc committee proposed two revisions 1) require the chair of any PTE committee to go through training within the past 3 years and 2) include administrators who are being considered for promotion may not be involved in any candidate review and recommendation process, including the selection of external reviewers.

MOTION (Pruess/Salem): approve revisions to Policy 352. MOTION PASSED WITH VOTE OF 34-3-2. The following senators or their substitutes voted aye: T. Barrett, A. Braaten, B. Braaten, W. Christensen, M. Christenson, C. Cwiak, J. Frenzel, J. Gao, K. Gordon, G. Gramig, J. Hageman, T. Hall, M. Harvey, S. Herren, E. Hilliard, F. Huseynov, W. Kopp, F. Marais, S. Markell, K. McPhee, T. Peters, B. Pruess, S. Salem, M. Secor-Turner, S. Shaik, M. Smith, M. Strand, W. Sun, A. Tangpong, A. Ungar, S. Vetter, T. West, M. Yang, and S. Zhong, the following senators or their substitutes voted nay: G. Bora, S. Duffield, and S. Haring, the following senators or their substitutes abstained: L. Thomas and D. Wyum.

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d. Policy 801 ([attachment 13](#))

MOTION (Barrett/Sun): to send the proposal back to Research with the instructions to have a public comment period, much as the federal government has on its policies, and after that period, there can be a public forum for those who have concerns to meet with those proposing the policies. The revised policies will be returned to the Senate for consideration sometime in Fall. MOTION CARRIED WITH UNANIMOUS CONSENT.

e. Policy 813 ([attachment 14](#))

MOTION (Haring/Hilliard): to send the proposal back to Research with the instructions to have an open public comment period, much as the federal government has on its policies, and after that period, there can be a public forum for those who have concerns to meet with those proposing the policies. The revised policies will be returned to the Senate for consideration sometime in Fall. MOTION CARRIED WITH UNANIMOUS CONSENT.

f. Policy 325 ([attachment 15](#))

MOTION (Pruess/West): to send changes back to SCC. MOTION CARRIED WITH UNANIMOUS CONSENT.

- g. Policy 156 – pulled from consent agenda ([attachment 16](#)) – There was a complaint filed against NDSU in 2014. NDSU entered into a resolution agreement with the Office of Civil Rights to address the issue. The agreement required NDSU to revise this policy to make our procedure of dealing with discrimination, harassment, and retaliation complaints clear and also include former employees and former students in the process so they can file grievances.

MOTION (Birgit/Harvey) to approve policy 156. MOTION CARRIED WITH UNANIMOUS CONSENT.

## h. Passing of the Gavel

- i. D. Cooley passed the gavel to K. Gordon. She will start her Faculty Senate President duties at 12:01 am on Tuesday, May 17, 2016.

VIII. Adjourn

Meeting adjourned at 5:32 p.m.

Submitted,  
K. Hoyt  
Faculty Senate Secretary

Whereas: The North Dakota State University Faculty Senate recognizes the role and responsibilities of the State Board of Education and the North Dakota University System and its leadership,

Whereas: To continue to pursue its mission, NDSU requires steady administrative leadership based on shared governance, especially during the current critical financial challenge NDSU has and will face in the next biennium. Anything less will hurt NDSU, NDUS, and North Dakota through, in part, the loss of key personnel and inability to recruit and retain the best replacements to serve everyone's short and long term interests.

Whereas: President Dean Bresciani has provided this leadership, as evidenced, in part, by the handling of the severe cuts to NDSU's budget and the positive reviews of such from the faculty, staff, students, and other stakeholders.

Whereas: The state of North Dakota voters and taxpayers have strongly and repeatedly voted against any politicization of the North Dakota University System and political interference in the proper running of NDUS and its institutions.

Whereas: The State Board of Higher Education's handling of President Bresciani's contract extension has the *prima facie* appearance of being politicized after outside political and media interference, as evidenced by actions of several parties in the media and elsewhere,

Whereas: The appearance of politicization undermines trust in the system and its administrators by NDUS institutions, their constituents, and the public at large. In turn, the system's and its institutions' ability to fulfill their mission to the people of North Dakota is hampered, if not rendered impossible.

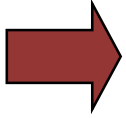
Whereas: NDUS stakeholders should not be at odds with each other in a time of crisis and severe budget cuts affecting NDUS institutions when that conflict is not only unnecessary but severely damaging to the interests and integrity of the many and various innocent stakeholders involved.

Resolved: The Faculty Senate at North Dakota State University fully endorses the following:

1. The extension of President Bresciani's contract,
2. The collaborative improvement of stakeholder relationships to improve efficiency, respect, and justice for all stakeholders,
3. The cessation of personnel matters being made public when doing so is gratuitous,
4. The cessation of activities that weaken rather than strengthen either NDUS and its leadership, or the NDUS institutions and their leadership, and
5. The cessation of activities that have the *prima facie* appearance of being politically influenced or motivated.

# 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 [ndsu.policy.manual@ndsu.edu](mailto:ndsu.policy.manual@ndsu.edu) first so that a clean policy can be presented to the committees.*

## SECTION: Policy 801 Grant and Contract Administration – General Provisions

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: Policy has been updated to provide clarification on changes for administration requirements of the proposal and award activities. Also, some activities have been shifted to the Research and Creative Activity Business Development unit, and those changes are included.
2. This policy change was originated by (individual, office or committee/organization):
  - Research and Creative Activity/Sponsored Programs
  - Val.kettner@ndsu.edu

*This portion will be completed by Mary Asheim.*

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

# North Dakota State University

## Policy Manual

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### SECTION 801

### GRANT AND CONTRACT ADMINISTRATION - GENERAL PROVISIONS

SOURCE: NDSU President

#### 1. PROPOSALS.

1.1 All proposals submitted to external ~~sponsoring~~ agencies must be reviewed and approved by the responsible Department Head(s)/Chair(s), Center Director(s), the College Dean(s), and Sponsored Programs Administration (SPA) (as a designee of the Vice President for Research and Creative Activity) PRIOR to the submission of the proposals to sponsoring agencies. Such approval is required even when an institutional signature is not required by the sponsor. A pre-proposal or letter-of-intent must be routed for review and approval if the signature of an authorized institutional official is required, or if a detailed budget or cost share is required or included. In cases where equipment match funds are required, the Vice President for Research and Creative Activity's (or designee's) approval is also required.

1.2 A Proposal Transmittal Form (PTF) is required for each proposal submitted for review. The PTF and instructions are located on the SPA website: [http://www.ndsu.edu/research/sponsored\\_programs\\_admin/forms/](http://www.ndsu.edu/research/sponsored_programs_admin/forms/). A completed PTF, proposal cover page, abstract, detailed budget on sponsor budget template (if available, or on SPA generic budget template if no sponsor template is required) and budget justification with complete detail as to why each item is necessary must be received in SPA at least 5 business days before the sponsoring agency submission deadline in order to guarantee timely review and approval or submission by SPA. Proposals must be received no later than 9:00 a.m. to count as the first day in the 5 business days. University published business hours will control the cut-off times for submission, not sponsor established times that exceed university hours..

~~1.~~

1.31 The completed proposal and PTF must be ~~routed submitted to through~~ all necessary parties involved in ~~responsible for any aspect of the proposal approval process~~. Necessary parties are determined based on each proposals' requirements (review, central equipment match, space, etc.) Each office may require modifications to a proposal before the routing can continue. Proposals must meet the criteria of each review stage in the process BEFORE submission to a sponsoring agency.-

1.3.1 The Head/Chair, Director and Dean are responsible for reviewing and approving the proposal for:

- consistency with the department, center and college mission;
- availability and commitment of department, center and college support services and resources, including faculty and staff committed efforttime, space, and finances and equipment; and
- assurance that the department, center and college obligations as defined in the proposal can and will be met; and-

- appropriate management and oversight, if necessary, of any conflicts of interest for their faculty participating in the proposed project.

1.3.2 Sponsored Programs Administration, as designated by the Vice President for Research and Creative Activity, acts on behalf of the President and is responsible for reviewing and approving the proposal for:

- reviews the proposal for consistency with the institutional mission and policies,
- compliance with public or private agency policies and regulations, and
- compliance with applicable federal, state and local laws and regulations. Each office may require modifications to the proposal. Proposals must meet the criteria of each review process BEFORE submission to a sponsoring agency.

1.3.3 The Vice President for Research and Creative Activity, or designee, is responsible for approving the use of and obligating central equipment match funds. Priority for use of these funds will be given to proposals that are interdisciplinary or that involve the acquisition of equipment for the enhancement of centralized research lab infrastructure. A request for equipment match funds must be made in writing to the Vice President for Research and Creative Activity at least three weeks prior to the due date of the proposal and after the appropriate approvals are received by the pertinent departments and colleges contributing remaining cash match. Requests for consideration can be made for up to 1/3 of the required cash match.

1.3.4 The Vice President for Finance and Administration must approve, prior to submission, any proposal requiring additional space, renovations, remodeling, and/or relocation of offices or labs. Any proposals requesting renovations or remodeling of space in the Research 1, Research 1A and/or Research 2 facilities, or relocation to those facilities, must also be approved by the Vice President for Research and Creative Activity.

1.3.5 The Vice President for Information Technology, or designee, must approve, prior to submission, any proposal affecting or requiring significant information technology services, as defined at <http://www.ndsu.edu/it/research/prep/>.

1.2 A Proposal Transmittal Form is required for each proposal submitted for review. Proposal Transmittal Forms may be obtained from Sponsored Programs Administration.

1.43 Sponsored Programs Administration, requires a minimum of 72 hours to process a proposal. If time is a problem, the entire proposal need not be submitted. A completed Proposal Transmittal Form, the proposal cover page, an abstract, and the budget page may be sufficient for final approval. Following final review by Sponsored Programs Administration (as a designee of the Vice President for Research and Creative Activity), the principal investigator will be contacted and informed of university approval or of the need for revision(s). Grant and contract proposals requiring additional space, renovations, remodeling, and/or relocations must be approved by the Vice President for Research and Creative Activity and the Vice President for Finance and Administration prior to submission.

## 2. AWARDS.

2.1 All contracts, grants and agreements must be reviewed by Sponsored Programs Administration prior to their execution. Research and Creative Activity's Business Development unit is responsible for negotiating all terms of private industry awards, and Sponsored Programs Administration is

responsible for negotiating all terms of ~~the~~all other agreements, including federal flow-through. Business Development and SPA are authorized signatories for NDSU.

2. 2.2 Work may not take place and expenses may not be incurred on a pending award unless an advanced account number is requested and established. Advanced account numbers are issued only after department, center, or college assumption of responsibility, in writing, in the event an award is not successfully executed. SPA will not negotiate or sign an award where the award document is initiated after the work is already completed.
3. All correspondence between the Principal Investigator and the sponsoring agency Program Officer must be limited to technical questions. All correspondence between the Principal Investigator and with the external sponsoring agency Contracting Officer, that is unrelated to the scientific/technical effort terms of the award, must be initiated by shall be copied to Sponsored Programs Administration, or in the case of questions concerning allowable costs by Grant & Contract Accounting. Any request to change award terms, including no-cost time extensions, budget modifications, or changes in scope of work, must be initiated by Sponsored Programs Administration is responsible for requesting approval from the awarding agency to change any agreement terms. For private industry awards, requests are initiated through SPA and then forwarded to Business Development by SPA for appropriate action(s).
4. Sponsored Programs Administration NDSU reserves the right to renegotiate, withdraw or reject any proposal or agreement that which has not been reviewed and approved through the proper channels and signed by the appropriate authorized institutional representatives.
- 4.
5. All financial reports required by the external agencies will be prepared by Grant and Contract Accounting. The Principal Investigator will be contacted if assistance is needed in completing the reports.
6. All checks relating to sponsored agreements should be sent to:

Grant and Contract Accounting  
North Dakota State University  
NDSU Dept. 3130  
PO Box 6050  
Fargo, ND 58108-6050

If a check is mistakenly sent to a department instead of Grant and Contract Accounting, the check should be delivered as soon as possible to Grant and Contract Accounting for deposit. All information received with the check should be attached. The Customer Account Services Office will not deposit a check into a grant or contract account (Funds 40000-49999) without the approval of Grant and Contract Accounting.

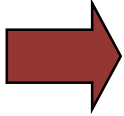
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HISTORY:

New	July 1990
Amended	April 1992
Amended	June 1996
Amended	March 2002
Amended	August 2007
Amended	October 2009
Housekeeping	February 14, 2011
Housekeeping	March 16, 2015

# Policy Change Cover Sheet

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



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

## **SECTION:** Policy 813 Facilities and Administrative Costs

1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
  - Is this a federal or state mandate? ☐ Yes ☒ No
  - Describe change: Numerous changes requested to accommodate the removal of CNSE from the policy, as that unit no longer exists in its previous format, and also to account for the change in F&A Rate Agreement. Rather than including the rate table, a link is provided to the Rate Agreement on SPA's website, so that the Policy doesn't require updating when the rates are renegotiated. Also, changes are providing clarification on definitions of categories and guidance on use of various rates. Finally, changes provide clarity on approvals required for use of off-campus rate.
  -
2. **This policy change was originated by (individual, office or committee/organization):**
  - Research and Creative Activity/Sponsored Programs and Finance & Administration/Grant & Contract Accounting
  - [Val.kettner@nds.edu](mailto:Val.kettner@nds.edu) and/or [ann.young@nds.edu](mailto:ann.young@nds.edu)

*This portion will be completed by Mary Asheim.*

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.policy.manual@nds.edu](mailto: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!



# North Dakota State University

## Policy Manual

### SECTION 813

#### INDIRECT COSTS (aka FACILITIES AND ADMINISTRATIVE COSTS)

SOURCE: NDSU President

1. The University has established indirect cost rates with the cognizant federal audit agency. The rate charged to a sponsored agreement depends upon the function of the work performed. Before deciding which rate applies to each program, carefully review the definitions of research, instruction, and other sponsored activity as defined below.
  - 1.1 ORGANIZED RESEARCH. Organized Research means the critical and exhaustive investigation or experimentation having for its aim the discovery of new facts and their correct interpretation; the revision of accepted conclusions, theories, or laws, in light of newly discovered facts; or the practical applications of such new or revised conclusions. This category includes all activities specifically organized to produce research outcomes, whether commissioned by an external agency or separately budgeted by the institution. It also includes activities involving the training of individuals in research techniques.
  - ~~1.2 ORGANIZED RESEARCH CNSE. This category is for organized research to be carried out at the NDSU Center for Nanoscale Science and Engineering.~~
  - 1.23 INSTRUCTION. Instruction means the teaching and training activities of an institution. Except for research training, this term includes all teaching and training activities, whether they are offered for credits toward a degree or certificate or on a non-credit basis, and whether they are offered through a regular academic session, summer school division, an extension division, or a continuing education division.
  - 1.34 OTHER SPONSORED ACTIVITY. Other sponsored activities mean programs and projects financed by federal and non-federal agencies and organizations which involve the performance of work other than instruction and organized research. Examples of such programs and projects are health service projects, and community service programs.
2. The current approved indirect cost rates can be found in the Colleges and Universities Rate Agreement found on Sponsored Programs Administration's (SPA) website under the "Forms" section at: [https://www.ndsu.edu/research/sponsored\\_programs\\_admin/forms/](https://www.ndsu.edu/research/sponsored_programs_admin/forms/). are as follows:

FROM	TO	RATE	LOCATIONS	APPLICABLE TO
7/1/10	6/30/11	43.50%	On-campus	Organized Research
7/1/11	6/30/13	44.50%	On-campus	Organized Research
7/1/13	6/30/14	45.00%	On-campus	Organized Research

7/1/10	6/30/14	26.0%	Off campus	Organized Research
7/1/10	6/30/14	35%	On-campus	OR CNSE
7/1/10	6/30/14	19.30%	Off campus	OR CNSE
7/1/10	6/30/14	53.20%	On-campus	Instruction
7/1/10	6/30/14	26.00%	Off campus	Instruction
7/1/10	6/30/14	38.10%	On-campus	Other Sponsored Activity
7/1/10	6/30/14	20.30%	Off campus	Other Sponsored Activity

Indirect cost is calculated as follows:

Indirect Cost = Modified Total Direct Cost x Rate from the Rate Agreement referenced above table.

Modified ~~t~~Total ~~d~~Direct ~~c~~Cost (MTDC) consists of all direct salaries and wages, applicable fringe benefits, materials, and supplies, services, travel and subgrants and subcontracts up to the first \$25,000 of each subgrant or subcontract subaward (regardless of the period of performance covered by the subgrant or subcontract of the subawards under the award).

Modified ~~t~~Total ~~d~~Direct ~~c~~Costs shall exclude equipment, capital expenditures, charges for patient care, rental costs, student tuition remission (student), rental costs of off site facilities, scholarships, and fellowships, participant support costs, and as well as the portion of each subgrant and subcontract subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs and with the approval of the cognizant agency for indirect costs.

Definition of Equipment: Equipment is defines as tangible nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

Definition of Off-Campus: A project is considered off-campus if the activity is conducted at locations other than in University owned or operated facilities and indirect costs associated with physical plant and library are not considered applicable to the project. Use of the off-campus rate must be approved prior to inclusion in a proposal. A request must be submitted to SPA justifying the reason for the off-campus rate. This request must be submitted at least two weeks prior to the due date of the proposal. SPA will make a determination whether the off-campus rate is approved for use.

Treatment of Fringe Benefits: This organization charges the actual cost of each fringe benefit direct to Federal projects. However, it uses a fringe benefit rate which is applied to the salaries and wages in budgeting fringe benefit costs under project proposals. The following fringe benefits are treated as direct costs: FICA, SUI, WORKERS COMPENSATION, RETIREMENT PLAN, AND HEALTH/LIFE/DISABILITY INSURANCE.

Treatment of Paid Absences: Vacation, holiday, sick leave pay and other paid absences are included in salaries and wages and are claimed on grants, contracts and other agreements as part of the normal cost for salaries and wages. Separate claims are not made for the cost of these paid absences.

3. In most cases the activities of the University will be considered to be on-campus activities. Off-campus rates for indirect cost will be used only if the project will be conducted in a remote location for an extended period of time. A project that would qualify for off campus rates would be one that would not be using University facilities for any of the work performed. Some examples of departments that would be off-campus are Agronomy Seed Farm (Casselton), Forest Service (Bottineau), Research Centers (Carrington, Central Grasslands, Dickinson, Hettinger, Langdon, North Central and Williston) (this list is not all inclusive). If the project is split among departments – the on-campus/off-campus rate should be determined by where 50% or more of the work is being performed. However, use of the off-campus rate must have SPA's approval.
4. If the indirect cost rate assigned to a particular project is scheduled to change during the life of the project, the indirect cost rate should remain at the rate of the initially funded budget period.
5. Unless specifically prohibited or limited by the sSponsoring aAgency, the inclusion of indirect costs at the appropriate current federally negotiated rate is required in every grant and contract budget. If a sponsoring agency restricts recovery of indirect costs to a percentage that is less than the appropriate current federally negotiated rate, the Principal Investigator must provide to SPA a copy of the sponsoring agency's guidelines or published policy reflecting the indirect cost limitation. No exceptions for reduced indirect costs will be made for research sponsored by for-profit entities (i.e. companies) unless there is a clear, established policy that is publically posted on the entity's website (and that applies universally to all proposals). If an awardproposal is receivedsubmitted without the inclusion of indirect cost, SPAthe Office of Sponsored Programs Administration reserves the right to will renegotiate the awardagreement for the inclusion of indirect cost, either by an increase in the award amount or by reallocating the award amount to cover both direct and indirect costs.
6. **INDIRECT COST ALLOCATIONS.** In order to provide an additional incentive for faculty and staff participation in sponsored activities at NDSU, it is the University's policy to directly support such activity with a portion of the indirect cost payments received by the University under all sponsored agreements.

Of the indirect costs drawn, 42.0% will be allocated back to the generating colleges or units; 16% will be allocated back to the Office of the President (for Research); and 42.0% to the Office of the President. Allocation exceptions must be approved by the President.

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#### HISTORY:

New	July 1990
Amended	April 1992
Amended	December 1996
Amended	August 1997
Amended	January 2000
Amended	October 2004
Amended	August 2007
Amended	February 16, 2011
Housekeeping	July 12, 2013

**NDSU Faculty Senate**  
October 10, 2016  
Prairie Rose, Memorial Union  
Agenda

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- I. Call to Order
- II. Attendance
- III. Approval of agenda
- IV. Approval of previous meeting minutes from September 2016
- V. Consent agenda
  - a. Academic Affairs Report and General Education Committee Report  
([attachment 1](#))
  - b. Policy changes ([attachment 2](#); all housekeeping changes: 103-610; information only: 101, 360)
    - 103
    - 156
    - 157
    - 162
    - 163
    - 182
    - 183
    - 212
    - 213
    - 400
    - 610
    - 101
    - 360
- VI. Announcements
  - a. Dean Bresciani, President
  - b. Beth Ingram, Provost
  - c. Katie Gordon, Faculty Senate President
  - d. Stuart Haring, Faculty Senate President-Elect
  - e. Jim Osland, Staff Senate President
  - f. Amelia Pfarrer and Brendan Curran, Student Government Representatives
- VII. Senate Committee Reports
  - a. Technology & Instructional Services – Marc Wallman ([attachment 3](#))
  - b. Council of College Faculties – Jane Schuh ([attachment 4](#))
- VIII. Unfinished Business

- a. Policies 801 & 813 – (Per the Faculty Senate motion, this has been sent back to SPA/Research for faculty & staff input. It will be returned to Senate once revised accordingly.)
- b. Resolution Proposal regarding Bresciani – Dennis Cooley ([attachment 5](#))

IX. New Business (for input)

- a. Priorities for Senate for 2016-2017
- b. Live2Lead ([attachment 6](#))
- c. Policies needing input
  - Faculty Senate Bylaws Article III, Section 4 – Dennis Cooley ([attachment 7](#))
  - Faculty Senate Bylaws Article IV, Section 11 – Dennis Cooley ([attachment 7](#))
  - 152 - Research & Consulting Committee - Chad Ulven ([attachment 8](#))
  - 155 – President’s Council on Alcohol and Other Drugs - Nicklaus Redenius ([attachment 9](#))
  - 325 – Dennis Cooley ([attachment 10](#))
  - 611.1 – International Student and Study Abroad Services - Alicia Kauffman ([attachment 11](#))

X. Adjourn

**For Faculty Senate:  
Approved General Education Recommendations**

**For Faculty Senate Meeting on (month/year): October 10, 2016**

<b>Courses Approved for General Education (New)</b>			
<b>Course No.</b>	<b>Course Title</b>	<b>Recommended Categories</b>	<b>Recommended Outcomes</b>
RELS 220	Old Testament	Humanities and Fine Arts and Global Perspectives	Human Societies
RELS 340	New Religious Movements	Humanities and Fine Arts and Global Perspectives	Human Societies
RELS 345	Religion and Politics	Humanities and Fine Arts and Global Perspectives	Human Societies

**Academic Affairs Committee Report  
For Faculty Senate Meeting on October 10, 2016**

<b>New Programs</b>				
New minor – Creative Writing				

<b>Program Changes</b>				
B.S. in Accounting – removing a course from the practicum options on the curriculum				
B.S. in Management Information Systems – removing a course from the practicum options on the curriculum				

<b>New Courses</b>				
Subject	No.	Title	Crs.	Effective Term
ADHM	371	Fashion Trend Analysis and Forecasting	3	Spring 2017
ENGL	150	Being Human	3	Spring 2017
MUSC	772	Orff Schulwerk Level II	3	Summer 2017
NURS	336	Transcultural Nursing Care	3	Spring 2017
NURS	346	NDSU RN to BSN Immersion II	1	Spring 2017

<b>Course Changes</b>								
<b>From:</b>				<b>To:</b>				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
ART	122	Two-Dimensional Design	3	ART	122	<b>Studio Technology Foundations</b>	3	Spring 2017
ART	124	Three-Dimensional Design	3	ART	124	<b>Foundations of Design</b>	3	Spring 2017
ART	153	Introduction to Art III	3	ART	153	<b>Design Thinking and Creative Strategy</b>	3	Spring 2017
PHRM	101	Introduction to Public Health	3	PH	101	Introduction to Public Health	3	Fall 2017

<b>Change in Prerequisites/Co-Requisites and/or Change in Bulletin Descriptions</b>				
Subject	No.	Title	Prerequisite/Co-requisite Change	Effective Term
ART	122	Studio Technology Foundations	Desc: This course is an introductory-level course in the Department of Visual Art. Lectures, demonstrations, and class assignments offer students an introduction to core technologies in the visual arts and equip students with a working knowledge of their respective operations and applications.	Spring 2017
ART	124	Foundations of Design	Desc: This course is an introductory course that provides a comprehensive study of design elements and principles for work in two and three-dimensions.	Spring 2017
ART	153	Design Thinking and Creative Strategy	Desc: This course offers an introduction to the theory of art and design production, design processes, and critical theory, as it relates to the creation and reception of visual arts. Through a combination of lectures, reading discussions, and in-class activities, students will learn strategies to solve problems and effectively move ideas into visual/conceptual statements.	Spring 2017
CHEM	117	Chemical Concepts and Applications	Prereq: Math 103 or MATH 104 or MATH 107	Spring 2017
PH	101	Introduction to Public Health	Desc: This course introduces undergraduate students to the interdisciplinary and exciting field of public health. Discussing and studying the processes and practices of public health enhances the population health perspective of healthcare and other professionals.	Fall 2017
PHRM	351L	Pharmaceutical Care Laboratory I	Prereq: Admission to the PharmD program	Spring 2017
PHRM	355	Introductory Pharmacy Practice Experience I: Introduction to Institutional Pharmacy Practice	Prereq: PHRM 350, PHRM 351L, PHRM 352 all with a grade of C or higher.	Summer 2017
PHRM	455	Introductory Pharmacy Practice Experience II: Introduction to Community Based Patient Care	Prereq: PHRM 450 and PHRM 452L each with a grade of C or higher.	Summer 2017
PHRM	537	Renal Disease/Fluid and Electrolytes	Desc: This course focuses on pathophysiology and pharmacotherapy of major renal diseases including fluid and electrolyte disorders, acid/base balance, and renal replacement therapy. Emphasis is placed upon application of knowledge to patient care situations and the mastery of pharmacotherapy. Prereq: PSCI 414.	Fall 2017
PHRM	551L	Pharmaceutical Care Laboratory III	Prereq: PHRM 452L	Spring 2017
PHRM	560	Specialty Care Topics	Prereq: PHRM 537, PHRM 538	Spring 2017
PHRM	581	Advanced Pharmacy Practice Experience I	Prereq: department permission only.	Summer 2017
PHRM	582	Advanced Pharmacy Practice Experience II	Prereq: PHRM 581	Fall 2017

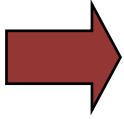
## Attachment 1

Change in Prerequisites/Co-Requisites and/or Change in Bulletin Descriptions				
PHRM	583	Advanced Pharmacy Practice Experience III	Prereq: PHRM 582	Spring 2017
PSCI	412	Chemotherapeutic/Infectious Disease Pharmacodynamics	Prereq: PSCI 411	Spring 2017



# Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to [ndsu.policy.manual@ndsu.edu](mailto:ndsu.policy.manual@ndsu.edu) first so that a clean policy can be presented to the committees.*

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

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes ☒ No
  - Describe change: Housekeeping changes as follows:
    - Correct the language "grand" project to "grant" project
    - Replacing reference of Office for Equity, Diversity and Global Outreach with Office of the Provost
    - Replacing reference of Vice President for Equity, Diversity and Global Outreach with Vice Provost for Faculty and Equity
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/28/15
  - Email address of the person who should be contacted with revisions

*This portion will be completed by Mary Asheim.*

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

# North Dakota State University

## Policy Manual

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### SECTION 103

### EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENINGS

SOURCE: NDSU President

This policy addresses requirements and procedures for position openings. Regardless of the position announcement procedures that are followed, all employment decisions within the University are subject to equal opportunity laws and regulations and NDSU's Equal Opportunity and Non-Discrimination [Policy 100](#). For equal opportunity purposes, all appointments to payroll budget positions and equivalent positions supported by non-appropriated funds are subject to the search, recruiting, and hiring processes in Sections [202](#) and [304](#) of this manual.

Section 1 pertains to staff positions. Section 2 pertains to faculty and executive/administrative positions. Section 3 pertains to all positions.

#### STAFF

1. Staff (as defined in [NDSU Policy 101.1.1](#) generally referred to as “broadbanded employees” include those positions in the following job band: 1000, 3000, 4000, 5000, 6000, and 7000).
  - 1.1 If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced throughout the appropriate recruiting area as defined in Section [200](#) of this Manual.
  - 1.2 Generally speaking, the recruiting areas are as follows for staff positions:
    - 1.2.1 Administrative/managerial positions in the 1000 band: national.
    - 1.2.2 Professional positions in the 3000 band: regional.
    - 1.2.3 Technical/Paraprofessional (4000); Office Support (5000) Crafts/Trades (6000); and Services (7000): local (Fargo-Moorhead community and/or surrounding counties as applicable).
  - 1.3 When a benefitted staff position vacancy occurs and there is a pool of regular employees appropriately qualified for transfer or promotion (including former employees covered by Reduction in Force policy [Section 223](#)), a unit supervisor may choose to advertise a vacant position internally for a minimum of five working days prior to initiating an external search. The procedures, which involve utilizing the online application system for these internal searches, will be the same as those external searches as mentioned in subsection 1 (see Section [202](#)). The Human Resources/Payroll Office, in consultation with the unit supervisor, will be responsible to determine whether a pool of appropriately qualified employees exists.
  - 1.4 If the appointment is either less than .50 FTE or clearly stipulated to be for a total duration of less than twenty weeks (non-benefitted), no formal position announcement posting to the online employment application system is required. Unit supervisors are, however, encouraged to announce benefitted positions. The announcement may be distributed within

the University to the eligible staff of the particular administrative unit involved. Affirmative action efforts must still be undertaken to ensure that qualified minority individuals, females, and individuals with disabilities are included in the applicant pool. Proof of affirmative action efforts will be required, such as documentation reflecting an open announcement to all eligible staff of an appropriate unit or adequate written documentation on why the candidate is being selected for the opportunity without an announcement to the appropriate unit. Distributing the position announcement to the other Tri-College University institutions or within the Fargo-Moorhead community is also encouraged.

- 1.5 Recruitment for all benefitted staff positions in the 1000 and 3000 bands shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees.
  - 1.5.1 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists of the individual to fill the position is the responsibility of the unit administrator. A member of the Human Resources shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.
- 1.6 Although unit leaders are encouraged to post throughout the University any staff position that offers an important promotional opportunity to employees in other departments, the formal procedures for filling positions that involve utilizing the online application system for job announcements (see Sections [202](#) for broadbanded positions and [304](#) for non-banded) shall be optional in the following cases. (Whenever an appointment is based on one of the following options, the request to recruit must be completed online for benefitted positions and the specific option should be noted in the appropriate section of the online request to offer or on the NDSU [Change Form \(101\)](#) with relevant documentation attached.)
  - 1.6.1 Timeslip employment that is not identified as a payroll budget appointment.
  - 1.6.2 The transfer or promotion of an employee within a department or office, provided that the employee is fully qualified for the new position and was originally hired through a competitive search. This exception excludes faculty positions. This option is governed by [NDSU Policy 240](#) which provides procedures and the requirement of the hiring department to obtain permission from the Director of Human Resources/Payroll who will review for appropriateness of the promotion including equitable issues.
  - 1.6.3 When there is concurrence by the hiring department, reassignment due to:
    - 1.6.3.1 An injury resulting in worker's compensation award and subsequent retraining; or
    - 1.6.3.2 A reduction-in-force.
  - 1.6.4 When an employee, at time of hire or within two years of employment, has a spouse or partner who is fully qualified and interested in a university position. (Please note the responsibilities lies with the employed spouse/partner's unit supervisor to encourage the spouse/partner to locate positions that they feel they are fully qualified for and make an appointment with a staff member in Human Resources/Payroll Office and/or with the head/chair of the appropriate unit to review

the spouse's/partner's education and experience. The hiring department will make the final hiring decision.

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

1.6.5.1 The employee had a satisfactory performance record; and

1.6.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and

1.6.5.3 The position is within the department where he/she worked at the time of resignation.

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

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

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

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

#### Faculty and Executive/Administrative Staff

2. Executive/Administrative (primarily in 0000 job bands) and benefitted Academic Staff (in 2000 band – bands are defined in [NDSU Policy 101.1.2](#)), generally referred to as “non-banded employees,” include such positions as tenured and tenure-track faculty and deans. Recruitment falls under two primary categories: half time or less or interim (2.1) and more than half time (2.2).

##### 2.1 Titled and/or Compensated Positions (Less Than .50 FTE or Interim)

If the appointment is less than .50 FTE or stipulated to be for less than twenty weeks, the titled or compensated position shall be announced internally within the unit (and to other relevant internal units as appropriate to the position). The unit supervisor must ensure transparency and equal opportunities for individuals to learn about and apply for the positions. This means the unit supervisor must announce the position to appropriate unit(s)

internally and accept applications for at least ten working days. Documentation of the announcement and review of applications must be provided to the Office of ~~Equity, Diversity, and Global Outreach~~the Provost before the position is offered so ~~Equity, Diversity, and Global Outreach~~the Office of the Provost can ensure compliance with this policy. Even when using internal searching, for any positions that come with fringe benefits, the formal search process detailed in [Policy 304](#) must be followed.

## 2.2 Equal to or Greater Than .50 FTE, Non-Interim Positions

If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced throughout the appropriate recruiting areas as defined in [Section 103.1](#) of this Manual (with the exception of graduate level degree seeking students).

### 2.2.1 Generally speaking, the recruiting areas are:

2.2.1.1 Executive/Administrative positions in the 0000 band: national.

2.2.1.2 Benefitted Academic staff such as tenure/tenure track faculty in the 2000 band: national.

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

2.2.2 Recruitment for all benefitted executive/administrative and academic staff positions (all those in the 0000 and 2000 job bands) shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees. [NDSU Policy 339](#) requires for every faculty recruiting committee to include faculty from the unit and at least one student. A unit may wish to include both an undergraduate and a graduate student on the committee.

2.2.3 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists is the responsibility of the unit administrator and is based on the recommendation of the search committee. The Vice ~~President Provost~~Provost for ~~Faculty and Equity, Diversity, and Global Outreach~~Faculty and Equity or designee shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.

2.2.4 Exceptions to searches for benefitted executive/administrative, and academic and professional broadbanded staff positions listed (greater than .50 FTE and longer than 4 months) are limited to the following:

2.2.4.1 The transfer of an academic staff member from a lecturer line to a probationary appointment as outlined in the employee's original contract provided that he or she had secured the appointment on a nationally competitive basis.

2.2.4.2 An externally funded appointment as a postdoctoral fellow, research

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

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

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

- 2.2.4.4 When a faculty member has a spouse or partner who is fully qualified and interested in a university position, a dual career exception to the search process may be made. The department or unit administrator is responsible to contact the Vice Provost for Advancement of Faculty as soon as possible. Hiring a spouse or partner depends upon the qualifications of the spouse or partner, the availability of a suitable and acceptable position in each case, and is subject to the approval of the department or unit into which the spouse or the partner will be hired, following an interview process within that unit. For positions in the 0000 job band and positions in the 2000 job band not defined as faculty, 1.6.4 applies.

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

- 2.2.4.5.1 The employee had a satisfactory performance record; and
- 2.2.4.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and
- 2.2.4.5.3 The position is within the department where he/she worked at the time of leaving.

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

- 2.2.4.6.1 An injury resulting in worker's compensation award

and subsequent retraining; or

2.2.4.6.2      A reduction-in-force.

All Positions

3.      Exceptions to this policy may be authorized by the President in unique circumstances. A written request for the Presidential exception is initiated by the hiring department and forwarded through the appropriate supervisory line to the unit's dean or director. If there is support from the dean or director, the request is forwarded to the Provost or the appropriate vice president. If the request is supported by the vice president after consultation with the Vice President for Equity, Diversity, and Global Outreach and the unit's dean and director, it is forwarded by the Provost or Vice President to the President for consideration.

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HISTORY:

New	May 15, 1978
Amended	February 6, 1979
Amended	April 21, 1981
Amended	November 13, 1989
Amended	September 24, 1991
Amended	April 1992
Amended	August 1993
Amended	December 1994
Amended	May 4, 1999
Amended	October 2001
Amended	October 2004
Amended	April 2005
Amended	October 2006
Amended	October 2007
Amended	May 2008
Housekeeping	September 2009
Housekeeping	July 2010
Amended	October 2010
Housekeeping	December 2010
Housekeeping	March 2011
Amended	September 30, 2012
Amended	February 4, 2014
Housekeeping	March 20, 2014
Amended	April 24, 2014
Amended	December 12, 2014
Housekeeping	June 4, 2015



## Policy Change Cover Sheet

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



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

### **SECTION: 156 DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURES**

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

- Is this a federal or state mandate? ☐ Yes ☐ No X – housekeeping changes
- Describe change:
  1. Added links to policies referred to in policy 156: Policy 100, Policy 134, Policy 183, Policy 220, Policy 231, Policy 350.3, and Policy 350.4
  2. Removed reference to “SBHE Section 603.2” in 1.1 and 2.1.1 as this included now in the new version of Policy 100.
  3. Corrected web address to the equity forms: <https://www.ndsu.edu/equity/forms/>
  4. Corrected title of the form in 102: Discrimination/Harassment/Retaliation Report Form

\*\*\*\* ALSO Title of the policy should be corrected in the policy manual to “DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURES”

2. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted: Office of the Provost
  - Email address of the person who should be contacted with revisions: [canan.bilen.green@nds.edu](mailto:canan.bilen.green@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 9/12/16

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.policy.manual@nds.edu](mailto: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!



## North Dakota State University Policy Manual

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### SECTION 156 DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURES

SOURCE: NDSU President

#### 1. INTRODUCTION

- 1.1 North Dakota State University (NDSU) prohibits discrimination in its employment decisions and educational programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee ~~per SBHE Section 603.2~~, status as a U.S. veteran, or participation in lawful activity off NDSU's premises during nonworking hours which is not in direct conflict with the essential business-related interests of NDSU. (See [NDSU Section 100, Equal Opportunity and Non-Discrimination Policy](#)).
- 1.2 NDSU is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of its university community. Specifically, NDSU is committed to taking action to:
  - 1) Stop discrimination;
  - 2) Remedy the effects of discrimination;
  - 3) Prevent the recurrence of discrimination; and
  - 4) Educate the university community about their rights and responsibilities regarding discrimination.
- 1.3 NDSU has committed itself to the establishment and adoption of procedures to resolve complaints of discrimination in violation of NDSU's Equal Opportunity and Non-Discrimination Policy, including complaints of harassment or retaliation. A central purpose of these complaint procedures is to provide a system at NDSU to conduct adequate, reliable, and impartial investigations of complaints of discrimination. NDSU's primary concern is to enact and implement complaint procedures that encourage reporting of discrimination and that ensure the rights of NDSU students, employees, and all other participants in its educational programs and activities are protected.

#### 2. DEFINITIONS

- 2.1 **Discrimination** – Different or unequal treatment of an individual (or group), based on one or more of the protected classes of the individual (or group), except as where permitted or required by law, that negatively affects their education, employment, or other participation in educational programs or activities.
  - 2.1.1 Protected classes for purposes of these procedures are: age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee ~~per SBHE Section 603.2~~, status as a U.S. veteran, or participation in lawful activity off NDSU's premises during nonworking hours which is not in direct conflict with the essential business-

related interests of NDSU. (See [NDSU Section 100. Equal Opportunity and Non-Discrimination Policy](#)).

- 2.2 **Discrimination complaint** – A complaint alleging discrimination in violation of NDSU's Equal Opportunity and Non-Discrimination Policy, including complaints of harassment or retaliation.
- 2.3 **Equity Director** – For purposes of these procedures, the Equity Director is NDSU's Vice Provost and Title IX/ADA Coordinator.
- 2.4 **Equity Office** – For purposes of these procedures, the Equity Office is NDSU's Office of the Vice Provost for Faculty and Equity.
- 2.5 **Harassment** – A form of discrimination; unwelcome oral, written, graphic, or physical conduct, based on one or more of the protected classes (see 2.1.1) of an individual (or group), that is sufficiently severe, persistent, or pervasive so as to unreasonably interfere with their education, employment, or other participation in educational programs or activities or that creates a working, learning, or educational program or activity environment that a reasonable person would find hostile, intimidating, or abusive. Harassment may include, but is not limited to, threats, physical contact or violence, offensive jokes, insults or put-downs, slurs or name calling, vandalism/graffiti, or offensive objects or pictures. Petty slights, annoyances, and isolated incidents (unless very serious) typically do not rise to the level of harassment.

### 3. FILING A DISCRIMINATION COMPLAINT

- 3.1 Current or former NDSU students or employees, applicants for admission or employment, or any other participants in NDSU's educational programs or activities, or any group thereof, are encouraged to file a complaint if they believe they have been discriminated against in violation of NDSU's Equal Opportunity and Non-Discrimination Policy, which may include a complaint of harassment or retaliation. A complaint may be filed concerning alleged discriminatory conduct that occurred on NDSU's premises or off campus.

- 3.1.1 **How to file a discrimination complaint** – A discrimination complaint is initiated by completing a NDSU Discrimination/Harassment/Retaliation Complaint Form (Complaint Form) and filing it with the Equity Director. The Complaint Form is available online at <https://www.ndsu.edu/equity/forms/> or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu). The Complaint Form can be submitted via email at [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu) or by bringing it to the Equity Office. The Equity Office is available to assist with completing the Complaint Form as needed.

Anyone who would like to file a discrimination complaint against a student or student organization also has the option of filing the complaint with the Dean of Student Life, Memorial Union 250, NDSU Main Campus, 701-231-8240, [janna.stoskopf@ndsu.edu](mailto:janna.stoskopf@ndsu.edu). Discrimination complaints filed against a student or student organization will be resolved in coordination with the Dean of Student Life Office. If a discrimination complaint against a student or student organization will be resolved through formal resolution, a hearing, and any appeal, will be administered by the Dean of Student Life Office, in coordination with the Equity Office, under the

procedures found in Rights and Responsibilities of Community: A Code of Student Conduct.

- 3.1.2 **Deadline for filing a discrimination complaint** - NDSU encourages those who believe they have been discriminated against to file a discrimination complaint as soon as possible. Unless the Equity Director agrees otherwise in writing, the Complaint Form must be submitted within 180 calendar days of the most recent incident of discrimination.
- 3.1.3 **Confidentiality cannot be guaranteed** - Depending on the nature of the discrimination complaint, NDSU will keep the complaint and its investigation confidential to the extent that it is possible. However, confidentiality cannot be guaranteed under these procedures as NDSU may have an obligation to take specific actions once aware of alleged discriminatory conduct.
- 3.1.4 **Confidential support resources** - If seeking a confidential resource, NDSU students may contact the NDSU Counseling Center at 212 Ceres Hall, NDSU Main Campus, 701-231-7671. The Faculty/Staff Assistance Program, as described in [NDSU Section 134](#), is a confidential resource for NDSU employees.
- 3.1.5 **Anonymous reporting** - NDSU students, faculty, and staff may submit an anonymous form to report acts of bias, bigotry, or hate at NDSU. NDSU may be limited in its ability to respond to a report if it is submitted anonymously. Additionally, in very limited circumstances, NDSU may need to take action to learn the identity of an individual who submitted an anonymous report. For more information, see <https://www.ndsu.edu/biasreport/>.

#### 4. RETALIATION PROHIBITED

- 4.1 NDSU encourages reporting of discrimination and will not discipline any individual (or group) who makes a good faith report of discrimination. Any individual (or group) reporting discrimination or otherwise participating in these procedures is entitled to protection from retaliation as a result of their activity under these procedures. Retaliation may include, but is not limited to, intimidation, harassment, reprisal, or other negative changes in education or employment. Anyone who believes they have been retaliated against for their participation under these procedures is encouraged to file a Complaint Form, which will be processed under these procedures as a separate matter from the originally filed discrimination complaint, if any. Anyone found responsible for retaliation will be subject to disciplinary action, up to and including termination or expulsion.

#### 5. REMEDIAL MEASURES

- 5.1 Upon receipt of a discrimination complaint or as otherwise informed of alleged discrimination under these procedures, NDSU will, where appropriate, take reasonable steps to remedy the harm to those affected by discriminatory conduct. Remedial measures may include, but are not limited to, a no contact directive, a safety plan, residence modifications, academic modifications and support, work schedule and/or location modifications, parking modifications, referral to counseling or other health services, administrative leave, temporary suspension, or any other measure deemed appropriate by NDSU.

#### 6. PRELIMINARY EVALUATION OF DISCRIMINATION COMPLAINT

- 6.1 **Preliminary evaluation determination** - The Equity Director will evaluate the discrimination complaint and decide to either: (1) pursue further action; or (2) dismiss the discrimination complaint. A discrimination complaint may be dismissed if: (1) it fails to allege any facts that suggest discrimination, harassment, or retaliation; or (2) an appropriate resolution or remedy has already been achieved. NDSU will not dismiss a complaint because it alleges discriminatory conduct that took place off campus. Rather, in the course of its investigation of the complaint, NDSU will determine whether the alleged off-campus conduct: (1) occurred within the context of an educational program or activity; and/or (2) has created or reasonably may create a hostile educational or work environment.

Unless there are extenuating circumstances, the preliminary evaluation will be completed within 3 business days of receipt of the discrimination complaint and the decision will be provided in writing to the individual (or group) who filed the complaint. If the Equity Director requires further information from the individual (or group) who filed the discrimination complaint before making a decision, the decision will be made within 3 business days of receipt of the additional information requested. In the case of a dismissal, the Equity Director may provide information or guidance regarding other avenues for support or resolution of the complaint, if appropriate and available.

- 6.2 **Notice of action** – If the Equity Director determines that further action on a discrimination complaint is warranted, the Equity Office will provide written notice to the individual (or group) who filed the discrimination complaint and the individual (or group) against whom the complaint was filed (collectively, the Parties) within 3 business days of the determination made pursuant to 6.1 unless there are extenuating circumstances that delay the proposed timeline. The written notice will include, at a minimum: (1) the names of the Parties; (2) the basis for the discrimination complaint; (3) a statement that retaliation is prohibited; (4) a statement that requested responses or documentation must be provided in a timely manner; and (5) a description of the resolution process, including a copy of the relevant procedures. A modified notice of action may also be provided to an administrator or supervisor who has control over the environment in which the alleged discriminatory conduct took place. The intent of the modified notice of action is to preserve confidentiality to the extent possible while also putting the administrator or supervisor on notice of their responsibility to monitor for retaliation or further discrimination.

## 7. INFORMAL RESOLUTION

- 7.1 **Informal resolution defined** - Informal resolution is a process in which the Parties attempt to agree upon the resolution of a discrimination complaint without a comprehensive investigatory and determination process. Unless there are extenuating circumstances, the entire informal resolution process will be completed within 30 calendar days of its initiation.
- 7.2 **Informal resolution is optional** - When providing the notice of action to the Parties, the Equity Office may inquire if the Parties are interested in attempting to resolve the discrimination complaint through informal resolution. The Parties will have 3 business days to individually decide if they would like to use informal resolution and should inform the Equity Office of their decisions in writing. The informal resolution process will only be used upon mutual agreement of the Parties. Either party may inform the Equity Office at any time that they want to discontinue their participation in the informal resolution process and the formal resolution process will commence. The Equity Director reserves the right to deny the Parties the option of using the informal resolution process if it is deemed to be inappropriate or inadequate as applied to a particular discrimination complaint.

- 7.3 **Informal resolution process** - Informal resolution may involve the Equity Office, the Dean of Student Life Office, administrators, supervisors, and/or external moderators working with the Parties to arrive at an appropriate and mutually agreeable resolution of the discrimination complaint. The informal resolution process will not require that the Parties meet face-to-face to resolve the discrimination complaint but may allow it, depending on the nature of the complaint and the power differential between the Parties.
- 7.4 **Informal resolution agreement** - If the Parties resolve the discrimination complaint through the informal resolution process, the Equity Office will draft an informal resolution agreement, which the Parties will sign. A signed copy of the informal resolution agreement will be provided to the Parties, as well as to any administrator or supervisor provided with a modified notice of action as described in 6.2. There is no available appeal of a signed informal resolution agreement.

## 8. FORMAL RESOLUTION

- 8.1 **Formal resolution applicability** - The formal resolution process will commence if: (1) either party elects to use the formal resolution process instead of the informal resolution process; (2) the Parties are unable to mutually agree upon a resolution under the informal resolution process; or (3) the Equity Director determines the informal resolution process is inappropriate or inadequate as applied to a particular discrimination complaint.
- 8.2 **Comprehensive investigation** - A properly trained investigator(s) will conduct a comprehensive investigation under the formal resolution process in an adequate, reliable, and impartial manner. Unless there are extenuating circumstances, including when the Parties are unable to mutually agree upon a resolution under the informal resolution process, a comprehensive investigation will commence within 5 business days of providing the notice of action to the Parties as described in 6.2. A comprehensive investigation will include the following steps, as relevant and available:
- (1) An interview with each of the parties;
  - (2) Interviews with witnesses identified by the Parties or determined otherwise; and
  - (3) A review of evidence provided by the Parties or collected otherwise.

Equal opportunity will be given to the Parties to access and present evidence during the investigation. The Parties will be provided with periodic status updates throughout the course of the investigation.

- 8.3 **Investigator(s)** - A staff member(s) in the Equity Office may conduct the comprehensive investigation of the discrimination complaint or the Equity Director may delegate investigative duties to another properly trained investigator(s). Within 3 business days of notice of the identity of an investigator(s), either party may provide the Equity Director with a written request asking that another investigator(s) be assigned if the party believes there is a conflict of interest with the investigator(s). Where appropriate, a new investigator(s) will be assigned and the Equity Director will provide the Parties with written notice of the newly assigned investigator(s).
- 8.4 **Responsibilities of the Parties** - Deadlines for completing actions under these procedures will be communicated in writing to the Parties, who must make every effort to comply with the deadlines communicated to them. Timeliness is particularly important under the formal resolution process as determinations may be made based on available information if a party

fails to respond in a timely manner to action requested by an investigator(s). In extenuating circumstances, an extension to a deadline may be granted by the Equity Director and will be communicated in writing to the Parties.

- 8.5 **Standard of proof** – The applicable standard of proof under the formal resolution process is “preponderance of the evidence” – meaning, in order for an individual (or group) against whom a discrimination complaint was filed to be held responsible for discrimination, it must be determined that it is *more likely than not* that the individual (or group) violated NDSU’s Equal Opportunity and Non-Discrimination Policy, which may include harassment or retaliation.
- 8.6 **Preliminary determination report** – After an investigator(s) has finished the comprehensive investigation of a discrimination complaint, the investigator(s) will draft a preliminary determination report that states whether the individual (or group) against whom the discrimination complaint was filed is responsible for discrimination, including harassment or retaliation, by a preponderance of the evidence. The report will also include, at a minimum, a summary of the relevant information gathered during interviews and otherwise that informed the preliminary determination. Unless there are extenuating circumstances, the report will be drafted within 30 calendar days of initiation of the comprehensive investigation. The report will be provided to the Parties and the review committee (see 8.7). The Parties will have 5 business days from receipt of the report to dispute the preliminary determination and/or any information found in the report in writing. As needed, the Equity Office is available to facilitate finding a resource to assist a party with putting its response in writing.
- 8.7 **Review committee** – Unless there are extenuating circumstances, a review committee will meet within 10 calendar days of issuance of the preliminary determination report in order to make a final determination on the report and to recommend disciplinary action, if any. The review committee will be comprised of no fewer than 3 properly trained NDSU faculty, staff members, and/or students that do not have a conflict of interest with the Parties. If a party believes there is a conflict of interest with a member(s) of the review committee, the party should follow the procedures and deadline established in 8.3 to dispute the member(s).
- 8.8 **Final determination** – Prior to meeting, review committee members will review the preliminary determination report and any written response to the report made by the Parties. The review committee may ask the investigator(s) who issued the preliminary determination report to be available during their meeting in order to answer questions related to the investigation and to provide access to documentation in the investigative file as needed. In limited circumstances, the review committee may request that the investigator(s) gather additional information if the committee decides it cannot make a determination without the additional information. In that case, each party will be provided with the additional information gathered and will have the opportunity to respond to it in writing. The final determination will include recommended disciplinary action, if any, in addition to a finding as to whether, by a preponderance of the evidence, discriminatory conduct, including harassment or retaliation, occurred. The final determination, as well as notice of the right to appeal as afforded in 8.12, will be provided in writing to the Parties.
- 8.9 **Disciplinary action for discriminatory conduct** – NDSU does not tolerate discrimination, including harassment or retaliation, and will take appropriate disciplinary action against anyone found responsible for discrimination. Students found responsible for discrimination under the procedures in Rights and Responsibilities of Community: A Code of Student Conduct will be subject to disciplinary action, up to and including expulsion. Employees

found responsible for discrimination under these procedures will be subject to disciplinary action, up to and including termination. The disciplinary action recommended by the review committee will depend on the severity of the discriminatory conduct and whether the individual (or group) was previously found responsible for discrimination.

- 8.10 **Imposition of disciplinary action** – Disciplinary action will be imposed by the appropriate administrator or supervisor on behalf of NDSU. If neither party exercises the right to appeal as afforded in 8.12, the Equity Director will either: (1) notify any administrator or supervisor provided with a modified notice of action as described in 6.2 that the matter has been resolved without recommended disciplinary action; or (2) provide the final determination to the appropriate administrator or supervisor, whether previously provided a modified notice of action as described in 6.2 or otherwise, and consult with the administrator or supervisor regarding imposition of the recommended disciplinary action. If the administrator or supervisor disagrees with the recommended disciplinary action, the administrator or supervisor must provide its basis for disagreement in writing to the Equity Director within 3 business days of receipt of the final determination. If either party exercises the right to appeal, (1) or (2) will be conducted by the Equity Director once the appeal process has concluded.
- 8.11 **Conclusion of formal resolution** – Excluding any appeal, the formal resolution process will be completed within 60 calendar days of the date the discrimination complaint was filed unless there are extenuating circumstances. Any reason for an extension to the 60 calendar day deadline will be communicated in writing to the Parties.
- 8.12 **Appeal of final determination** – Within 5 business days of receipt of the final determination, either party may appeal the determination by completing a NDSU Discrimination Appeal Form (Appeal Form) and filing it with the Equity Director. The Appeal Form is available online at <https://www.ndsu.edu/equity/forms/> or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu). The Appeal Form can be submitted via email at [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu) or by bringing it to the Equity Office. As needed, the Equity Office is available to facilitate finding a resource to assist a party with completing the Appeal Form.

The grounds upon which a party can request an appeal are: (1) the recommended disciplinary action is substantially disproportionate to the findings; (2) procedural error led to an improper final determination; and/or (3) new evidence that was previously unavailable should be considered as it could have had a significant impact on the final determination. If an appeal is granted under (3), the Equity Director will require that the review committee meet again to determine if the final determination should be altered in light of the new evidence. The party who did not provide the new evidence will have the opportunity to respond to the evidence in writing. If the final determination is altered under (3), the Parties will be afforded the opportunity to appeal again under (1) and/or (2) within 5 business days of receipt of the altered final determination. If an appeal is granted under (1) or (2), the Equity Director will evaluate the final determination in an impartial manner in light of the information found in the Appeal Form and will alter or reaffirm the final determination accordingly. Unless there are extenuating circumstances, the appeal process will be completed within 10 business days of submission of the Appeal Form and the results will be provided in writing to the Parties. In cases in which there is a conflict of interest, such as when the grounds for appeal involve action taken by the Equity Director, the Provost will conduct the appeal process.

## 9. INTERSECTION WITH OTHER RELEVANT NDSU POLICIES

- 9.1 The procedures described above do not eliminate the rights of a party to subsequently participate in pre-disciplinary action review and/or an appeal as afforded elsewhere under NDSU policy. Furthermore, for purposes of these procedures, an appeal process available to the individual (or group) against whom a discrimination complaint was filed must be available to the individual (or group) who filed the discrimination complaint.
- 9.2 **Nonbanded, nonacademic staff** – The applicable policy for nonbanded, nonacademic staff regarding subsequent pre-disciplinary action review and/or an appeal is NDSU [Section 183, Nonrenewal and Dismissal of Nonbanded, Nonacademic Staff](#).
- 9.3 **Regular staff employees** – The applicable policies for regular staff employees regarding subsequent pre-disciplinary action review and/or an appeal are NDSU [Section 220, Staff Job Discipline/Dismissal](#) and NDSU [Section 231, Appeal Procedure for Disciplinary and Reduction in Force Actions](#).
- 9.4 **Faculty** – The applicable policies for faculty regarding subsequent pre-disciplinary action review and/or an appeal are NDSU [Section 350.3, Board Regulations on Nonrenewal, Termination or Dismissal of Faculty](#) and NDSU [Section 350.4, Board Regulations on Hearings and Appeals](#).

## 10. NOTICE OF MANDATORY REPORTING RESPONSIBILITIES AND TRAINING

- 10.1 It is the responsibility of the entire university community to foster a safe and non-discriminatory learning, living, and working environment. NDSU employees have specific responsibilities when they observe discrimination or receive a report of discrimination. NDSU employees must not dissuade an individual (or group) from providing them with a report of discrimination but should inform the individual (or group) of their mandatory reporting responsibilities as described below.
- 10.1.1 **Observance of discrimination** – All NDSU employees who observe discrimination, including harassment or retaliation, must document the discrimination and contact the Equity Office in accordance with 10.2.
- 10.1.2 **Report of discrimination** – All NDSU employees who receive a report of discrimination *involving a student*, including harassment or retaliation, must document the report and contact the Equity Office in accordance with 10.2. NDSU supervisors, managers, department heads, deans, directors, or administrators who receive a report of discrimination *involving employees*, including harassment or retaliation, must document the report and contact the Equity Office in accordance with 10.2. The provisions of 10.1.2 do not apply to confidential support resources providing services as described in 3.1.4.
- 10.2 To comply with 10.1.1 or 10.1.2, NDSU employees must promptly complete and submit an NDSU Discrimination/[Harassment/Retaliation](#) Report Form (Report Form) to the Equity Director. The Report Form is available online at <https://www.ndsu.edu/equity/forms/> or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu). The Report Form can be submitted via email at [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu) or by bringing it to the Equity Office. The Equity Office can assist with completing the Report Form as needed. The Equity Office is the official university record holder for documentation under these procedures.

Field Code Changed



10.3 Upon receipt of a Report Form, NDSU will initiate its discrimination complaint procedures.

10.4 **Mandatory training** - All NDSU employees must complete equal opportunity and non-discrimination training on an annual basis. In addition to mandatory training, employees are encouraged to contact the Equity Office with any questions they may have related to equal opportunity and non-discrimination at NDSU, including inquiries regarding their responsibilities as mandatory reporters.

#### 11. DISCRETIONARY INVESTIGATION

11.1 The Equity Office reserves the right to initiate an investigation under these procedures at its discretion in the absence of a discrimination complaint or report of discrimination in order to fulfill NDSU's commitment to taking action to stop discrimination, remedy its effects, and prevent its recurrence.

#### 12. FILING WITH AN EXTERNAL AGENCY

12.1 An individual (or group) also has the right to file a discrimination complaint with one or more of the following external agencies. Please note that these agencies have their own deadlines for filing a discrimination complaint. Please contact the agencies directly for more information about applicable deadlines.

North Dakota Department of Labor and Human Rights  
Phone: 1-800-582-8032  
TTY: 1-800-366-6888  
[humanrights@nd.gov](mailto:humanrights@nd.gov)  
[www.nd.gov/labor](http://www.nd.gov/labor)

U.S. Department of Education  
Office for Civil Rights  
Phone: 1-800-421-3481  
TDD: 1-800-877-8339  
[OCR@ed.gov](mailto:OCR@ed.gov)  
[www2.ed.gov/ocr](http://www2.ed.gov/ocr)

U.S. Equal Employment Opportunity Commission  
Phone: 1-800-669-4000  
TTY: 1-800-669-6820  
[info@eeoc.gov](mailto:info@eeoc.gov)  
[www.eeoc.gov](http://www.eeoc.gov)

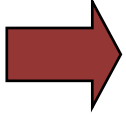
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#### HISTORY:

New	December 20, 1977
Amended	September 1993
Amended	January 1996
Amended	June 2000
Amended	October 2007
Housekeeping	September 2009
Amended	March 16, 2010
Housekeeping	February 14, 2011
Amended	April 25, 2016

# Policy Change Cover Sheet

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## SECTION:

## 157 Grievance Procedures

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes ☒ No
  - Describe change: Housekeeping change updating the title of Vice President for Equity, Diversity, and Global Outreach to the Vice Provost for Faculty and Equity, and updating the Office of the Vice President for Equity, Diversity and Global Outreach to the Office of the Provost
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted – Student Life – Mary Asheim – 9/28/15
  - Email address of the person who should be contacted with revisions – [mary.asheim@ndsu.edu](mailto:mary.asheim@ndsu.edu)

*This portion will be completed by Mary Asheim.*

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):

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Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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# North Dakota State University

## Policy Manual

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### SECTION 157

### GRIEVANCE PROCEDURES

SOURCE: NDSU President

1. A grievance exists when an employee is dissatisfied with an aspect of his/her employment over which the employee has no control and on which remedial action is desired, excluding job family assignment and performance evaluations for broadbanded staff and other employees not covered under Section 353. (Section 241).
2. If an employee feels unfairly treated or has a complaint, the employee shall first discuss it with the immediate supervisor. It may be a case of misunderstanding which can be straightened out by frank discussion.
3. All employees have the right to present grievances to their supervisors or department heads and are assured freedom from discrimination, coercion, restraint or reprisal in presenting grievances.
4. At each step of the grievance procedure, the employee may be represented by another University employee or by a representative of the employee's choosing.
5. The intent of the University's grievance procedures is to provide a reasonable opportunity for the resolution of an employee's dispute with the University. Depending upon the nature of the grievance, the University has several formal grievance procedures which are available for use by an employee who feels aggrieved or discriminated against and for which informal discussions have not been satisfactory to the employee. If more than one of the University grievance procedures is available for a particular issue, the employee should consult with the Director of Human Resources/Payroll, the Vice ~~President for Equity, Diversity, and Global Outreach~~ Provost for Faculty and Equity (in the case where the issue involves alleged discrimination) or a unit administrator when considering grievance options. Once an employee files a formal grievance in writing with the Office of ~~Equity, Diversity, and Global Outreach~~ the Provost, the Office of Human Resources/Payroll or the Presiding Officer of the University Senate (to initiate a faculty Special Review Committee), the employee will not be entitled to grieve the same issue using another internal grievance procedure. If an employee seeks the resolution of a grievance in any external forum, whether administrative or judicial, prior to seeking resolution of the issue by filing a grievance in one of the formal internal grievance procedures listed below or while one of those grievance procedures is in progress, the University may, following notification to the employee, suspend the internal grievance procedure pending a final decision in the external forum.

The Director of Human Resources/Payroll (and the ~~Vice President for Equity, Diversity, and Global Outreach~~ Vice Provost for Faculty and Equity in a case of alleged discrimination) will act in an advisory capacity, as requested, to all parties involved in the grievance procedure.

#### All employees

- 5.1 If the grievance is based on alleged discrimination, that is, an issue related to race, color, religion, national origin, sex (including sexual harassment), disability, age, veteran's status, or sexual orientation any employee may use the Equal Opportunity Grievance Procedure

(Section 156). This procedure includes phases for administrative review, negotiation, and if necessary, a hearing before a special hearing committee.

## Faculty

- 5.2 If the grievance involves a faculty member (instructor, assistant professor, associate professor, or professor), lecturer, adjunct faculty member or graduate teaching assistant and is based on a dismissal, termination, nonrenewal or nonpromotion, grievance procedures are described in Sections 350.3. Grievances based on matters other than dismissal, termination, nonrenewal, or nonpromotion may also be grieved using the procedure described in Section 353.

## Broadbanded and all other employees

- 5.3 If the grievance is based upon an aspect of employment over which an employee has no control and desires remedial action, e.g., salary, working conditions, disciplinary action, etc., the employee uses the Condition of Employment Grievance Procedure (Section 230). This grievance option is limited to regular employees who have completed their probation period.
- 5.4 If the grievance is based on a suspension without pay, dismissal or demotion which the employee feels is unjust, the employee uses the Grievance Procedure for Termination of Employment (See Section 231). This grievance option is limited to regular employees who have successfully completed their probationary period.
6. The University's Director of Human Resources/Payroll and the ~~Vice President for Equity, Diversity, and Global Outreach~~ [Vice Provost for Faculty and Equity](#) are available to provide assistance to employees in determining, under the given circumstances, which grievance procedure may be most appropriate.

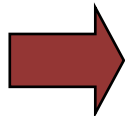
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### HISTORY:

New	July 1990
Amended	April 1992
Amended	May 1997
Amended	October 1997
Amended	October 2002
Amended	March 2005
Amended	October 2007
Housekeeping	July 2010

# 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 [ndsu.policy.manual@ndsu.edu](mailto:ndsu.policy.manual@ndsu.edu) first so that a clean policy can be presented to the committees.*

## SECTION:

## 162 Sexual Harassment Policy

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping changes updating reference from the Vice President for Equity, Diversity and Global Outreach to the Vice Provost for Faculty and Equity, and replacing reference to General Counsel with University legal advisor

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

- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/28/15
- Email address of the person who should be contacted with revisions – [mary.asheim@ndsu.edu](mailto:mary.asheim@ndsu.edu)

*This portion will be completed by Mary Asheim.*

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

# North Dakota State University

## Policy Manual

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### SECTION 162

### SEXUAL HARASSMENT POLICY

SOURCE: NDSU President

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

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

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

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

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

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

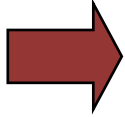
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#### HISTORY:

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

# Policy Change Cover Sheet

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## SECTION: 163 ANTI-HARASSMENT POLICY

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? X ☐ Yes ☐ No
  - Describe change: NDSU Policy 163 should be removed:
    - Recently updated Policy 156 (per OCR) defines harassment; current definition of harassment in Policy 163 is inaccurate (intent is not relevant)
    - Policy 100, as revised, explicitly includes a prohibition of harassment
    - Procedures in Policy 163 are outdated; revised Policy 156 explains what to do when you believe you have been subjected to harassment
    - Prohibition of retaliation is found in revised Policy 156
2. This policy change was originated by (individual, office or committee/organization):
  - Office of the Provost
  - [canan.bilen.green@nds.edu](mailto:canan.bilen.green@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 5/16/16

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.policy.manual@nds.edu](mailto: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!

# North Dakota State University

## Policy Manual

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### SECTION 163

#### ANTI-HARASSMENT POLICY

SOURCE: — NDSU President

1. ~~North Dakota State University is committed to providing a climate which fosters respect for students, staff and faculty as well as others who participate in programs and activities at the University. As part of that commitment, NDSU prohibits harassment as described in NDSU Policy 100 and for protected activity (such as reporting alleged harassment or providing information related to a grievance). This policy is in compliance with federal civil rights laws and agency regulations and guidance implementing these laws.~~
  - 1.1 ~~Harassment (based on an individual's membership in one or more of the groups identified above) is defined, for purposes of this policy, as unwelcome verbal or physical behavior which has the intent or effect of unreasonably interfering with the individual's employment or academic endeavors or creating a hostile, intimidating or offensive environment. Harassment may include (but is not limited to) jokes, derogatory comments, pictures, and/or direct physical advances.~~

~~Please note that harassment in electronic forms is also prohibited under NDSU Policy 710-Computer Facilities.~~
2. ~~Anyone who feels she/he has been subjected to prohibited harassment is encouraged to report the situation before it becomes severe or pervasive. Individuals may make a report to the Vice President for Faculty and Equity, the Office of Human Resources/Payroll, the Counseling Center, the Disability Services Office, the Associate Director for Student Rights and Responsibilities, or an appropriate administrator. Reports may be addressed on an informal basis at the request of the individual alleging harassment. The person alleging harassment may also file a formal grievance in the Office of the Provost using the Equal Opportunity Grievance Procedures described in NDSU Policy 156.~~
3. ~~In each case of alleged harassment, the supervisor, in consultation with the Vice Provost for Faculty and Equity, will determine whether an immediate fact-finding investigation is necessary. Although circumstances will affect the time needed to conduct such an investigation, response to an alleged violation of this policy should be handled in a timely manner and a determination reached as soon as possible. Whenever a violation of this policy is determined, immediate and corrective action, including discipline, will be taken.~~
4. ~~The University will not tolerate adverse actions/retaliation toward anyone who, in good faith, alleges harassment or who provides information related to a grievance. Such retaliation may be the basis for an additional grievance.~~
5. ~~To the extent possible, the University will maintain the confidentiality of anyone who reports an alleged violation of this policy.~~
6. ~~In addition to this anti-harassment policy, the University has a policy specifically addressing sexual harassment (see Policy 162).~~

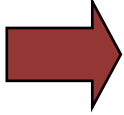


HISTORY:

- New June 19, 2000
- Amended September 2000
- Amended September 2007
- Amended February 2009
- Housekeeping September 2009
- Housekeeping March 2, 2011
- Housekeeping May 22, 2012
- Housekeeping October 5, 2015

# Policy Change Cover Sheet

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## SECTION: 182 Severance Pay Policy: (Reduction in Force)

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: Housekeeping changes made to match the language/formatting of SBHE Policy 707

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

- Office/Department/Name and the date submitted: HR Payroll / Colette Erickson / 6/9/16
- Email address of the person who should be contacted with revisions: [Colette.Erickson@nds.edu](mailto:Colette.Erickson@nds.edu)

*This portion will be completed by Mary Asheim.*

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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# North Dakota State University

## Policy Manual

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### SECTION 182

#### SEVERANCE PAY POLICY: ~~(REDUCTION IN FORCE)~~

SOURCE: SBHE Policy Manual, Section 707

Subject to the following provisions, institutions and the university system office may provide severance pay to an employee who is released due to a reduction in force~~:-~~.

1. The maximum payment is the equivalent of the individual's salary and benefits (retirement and health) for two weeks per completed year of service, up to a maximum of one year of salary and benefits.
2. The number of employees in the institution, agency, or entity must be reduced by one for each individual awarded severance pay.
3. Employees may not receive severance pay if they are awarded early retirement, developmental leave, or other forms of special compensation when they leave.
4. Employees receiving severance pay must release the institution from liability and all employment rights by written agreement.
5. The severance pay agreement with an employee must provide that the employee shall reimburse the institution on a pro-rata basis if salary compensation is received from another North Dakota state agency or institution for services rendered during the time for which severance pay was received. The amount to be reimbursed shall be equal to the hourly rate of severance compensation or subsequent state compensation, whichever is less, multiplied by the number of hours of subsequent state employment during the severance pay period.
- ~~6. All actions under this Policy must comply with North Dakota Century Code 54-14-04.3. In accordance with that section, institutions or the system office may provide financial incentives to encourage an employee to retire or resign if the employee's departure will increase efficiencies or reduce expenses.~~

In addition to severance pay and consistent with N.D.C.C. § 54-14-04.3, institutions and the system office may provide financial incentives to encourage an employee to retire or resign if the employee's departure will increase efficiencies or reduce expenses.

*For Faculty reductions in force/non-renewals, see NDSU policy 350.3. For banded staff reductions in force, see NDSU policy 223. For non-banded staff reductions in force/non-renewals, see NDSU policy 183.*

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#### HISTORY:

New	May 22, 1987
Amended	June 1994
Amended	June 2001
Amended	June 2008

## Policy Change Cover Sheet

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**SECTION: 183 NONRENEWAL AND DISMISSAL OF NONBANDED, NONACADEMIC STAFF**

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: NDUS Board Policy change effective February, 2016.
  - Per Matt Hammer's request on 4/22/16: Moved the sentence "An employee may be dismissed for just cause." From the beginning of Section 2 to the beginning of Section 3 in order to mirror the changes made at the Board level
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted Human Resources and Payroll/Colette Erickson/March 29, 2016
  - Email address of the person who should be contacted with revisions: [Colette.erickson@nds.edu](mailto:Colette.erickson@nds.edu)
  -

*This portion will be completed by Mary Asheim.*

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: 4/18/16

Faculty Senate: 4/20/16

Staff Senate: 4/20/16

Student Government: 4/20/16

President's Cabinet: 4/20/16

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North Dakota State University  
Policy Manual

SECTION 183  
NONRENEWAL AND DISMISSAL OF NONBANDED, NONACADEMIC STAFF

SOURCE: SBHE Policy Manual, Section 608.2

1. Employees excluded from the broadbanding system who are not members of the academic staff at an institution may be terminated, without cause, pursuant to written notice of termination in accordance with the following schedule:
  - a) At least three months, if written notice is given during the first year of service;
  - b) At least six months, if written notice is given during the second year of service or thereafter.
- b) As used in this section 1, "service" means employment at the same institution or agency.
2. ~~An employee may be dismissed for just cause.~~ Employees excluded from the broadbanding system who are not members of the academic staff at an institution may be dismissed ~~for just cause or~~ based upon financial exigency as determined by the Board, loss of appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses, in which cases the notice requirements of the preceding section shall not apply. If a dismissal ~~other than for just cause~~ is implemented pursuant to this subsection, no less than 90 days notice shall be given the employee.
3. An employee may be dismissed for just cause. Just cause means just cause for dismissal of staff employees as defined in the North Dakota University System Human Resource Policy Manual. (See NDSU 220.2) Notice of intent to dismiss for cause, stating the reasons for the proposed action, shall be given by a department head or other designated official unless the employee is a vice president or other officer who reports directly to the institution's chief executive, in which case notice shall be given by the chief executive. The notice shall be given at least five calendar days prior to the date of dismissal and the employee has the right, within that time, to respond in writing and request a pre-termination review. Following notice of intent to dismiss and, if requested by the employee, the pre-termination review, the department head or other designated individual, if the notice of intent to dismiss was not given by the chief executive, shall forward a recommendation to the institution's chief executive. The chief executive shall make a final decision and give written notice of that decision.
4. An employee who is dismissed for just cause pursuant to this policy may, within 20 days of dismissal, appeal the decision by filing a notice of appeal, accompanied by a specification of the reasons or grounds upon which the appeal is based, with the institution's chief executive. The chief executive shall appoint a hearing officer to conduct an evidentiary hearing and submit recommended findings, conclusions and a recommended ~~decision~~ order to the chief executive. The hearing officer shall conduct the hearing according to appeal procedures governing hearings conducted by a staff personnel board that are set forth in Section 27 of the North Dakota University System Human Resource Policy Manual (*Policy 231 of the NDSU Policy Manual*). The chief executive shall make a final decision and provide written notice of that decision to the hearing officer and the employee within 20 calendar days of receiving the hearing officer's

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recommendation.

- 5. Except for positions explicitly exempt as stated in this section 5 or 6, this policy applies to all employees excluded from the broadbanding system who are not members of the academic staff and, with respect to their positions as administrators or other non-academic positions, to employees with appointments to the academic staff. This policy applies to coaches unless the employing institution has adopted a different policy governing coaches and that policy is stated or adopted by reference in a coach's employment contract, in which case the institution's policy applies. This policy does not apply to faculty; employees with academic appointments are governed by SBHE Policy Sections 605.1, 605.2, 605.3 and 605.4. Staff employees at the institutions are governed by the North Dakota University System Human Resource Policy Manual.
- 6. Dismissal actions of **regular staff employees** are governed by the NDSU Policies 220 and 223.
- 7. Dismissal actions of **temporary staff employees** may occur at any time with or without cause (NDUS Human Resource Policy Manual, Section 2).
- 8. Dismissal or non-renewal actions for **faculty** are governed by NDSU Policy 350.1-350.4 and 352.
- 9. This policy does not apply to the Chancellor and institution presidents. Subsections 1 and 2 do not apply to student residence hall assistants, work-study students and other students employed on a part-time basis for a limited term. The terms and conditions of employment for student residence hall assistants shall be stated in a written contract.

~~10. Notwithstanding section 1, employees excluded from the broadbanding system who are not members of the academic staff at an institution and whose first day of service preceded September 26, 2012, may be terminated, without cause, pursuant to written notice of termination in accordance with the following schedule:~~

- ~~a. At least three months, if written notice is given during the first year of service;~~
- ~~b. At least six months, if written notice is given during the second year of service;~~
- ~~c. At least twelve months, if written notice is given thereafter.~~

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HISTORY:

New	June 1994
Amended	May 1996
Amended	February 1998
Amended	July 1999
Amended	December 1999
Amended	January 2000
Amended	January 3, 2013
Housekeeping	August 26, 2013
Amended	September 18, 2013
Amended	December 4, 2015

## Policy Change Cover Sheet

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### SECTION: **212 Overtime**

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 policy was missing a portion of the federal law – Fair Labor Standards Act - only accrue 240 hours of comp time.
  -
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted: Colette Erickson
  - Email address of the person who should be contacted with revisions: Colette.Erickson@nds.edu

*This portion will be completed by Mary Asheim.*

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

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Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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## North Dakota State University Policy Manual

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### SECTION 212 OVERTIME

SOURCE: NDSU President  
NDUS Human Resources Policy Manual, Section 12

1. Overtime compensation at a time and one half rate shall be provided to all non-exempt employees when hours worked exceed forty hours in a work week. Compensatory time off at a time and one half rate may be provided in lieu of cash overtime payments upon prior agreement. Upon approval, compensatory time may only be used in place of regularly scheduled work hours and shall not cause overtime.
  - 1.1 Official closings and holidays shall be counted as hours worked during a work week. In establishing a forty-hour work week, annual leave, sick leave, official closings and holidays shall be counted as hours worked. Annual leave, sick leave, other forms of paid leave, and compensatory time shall not be counted for overtime purposes.
  - 1.2 The Office of Human Resources/Payroll is responsible for periodic review of positions to insure proper identification as exempt or non-exempt pursuant to definitions provided within the Fair Labor Standards Act.
2. Overtime provisions are not applicable to exempt employees as identified by federal wage and hour criteria. The department head, however, may arrange time off in recognition of required, continuous or excessive overtime for employees exempt from overtime. In order to be considered "exempt" from the overtime provisions of the Fair Labor Standards Act, an employee must be in a position that can be substantiated to be of an executive, administrative, or professional nature. Whether an employee is exempt depends on duties, responsibilities and salary. Contact the Office of Human Resources/Payroll for assistance in determining exempt status.
3. Overtime hours may be approved on the basis of emergency circumstances or when it is impractical to maintain an additional temporary work force adequate to handle peak loads during hours. Overtime hours must be authorized by the employee's department head. Overtime work shall be assigned on an equitable basis.
4. A non-exempt employee called back for emergency service after completing his/her regular day's work shall receive compensation at the rate of time-and-one-half. Guaranteed minimum pay for call-back to a work site when required will be two hours at time-and-one-half and guaranteed minimum pay for call-back when return to the work site is not required, for example, when services are provided from home by telephone, is fifteen minutes at time-and-one-half. Temporary employees shall be paid time-and-one-half for hours worked in excess of forty hours per week.
5. Work which is not requested by a supervisor but is permitted must be counted as hours worked.
6. When an employee is given a work assignment in a secondary location requiring travel time, such travel time is counted as time worked.



7. Calculation of Overtime Compensation - Hourly rate must be computed according to the format as shown in Section 121. For those employees who work more than one position with more than one rate of pay NDSU uses a weighted average method to compute the hourly rate for overtime purposes. Contact the Office of Human Resources/Payroll for more information.

- 7.1 Hours worked include all hours worked plus any leave with pay hours.
- 7.2 Overtime pay = (hours worked - 40) x hourly rate x 1.5

8. Overtime pay should be requested by use of a timeslip.

9. In lieu of overtime cash payment, non-exempt employee may be given equivalent time off (comp time) from the job. Time off (comp time) must be given at one-and-one half times the overtime hours worked. The time off must be taken within six months of the overtime hours worked.  
Employees may only accrue 240 hours of comp time.  
9.1. 160 hours worked of overtime is equal to 240 hours of comp time.

Resources:  
Non-Exempt Travel Time: [http://www.ndsu.edu/hr/mgrtoolbox/mgrflsa/determining\\_hours\\_worked/#c255105](http://www.ndsu.edu/hr/mgrtoolbox/mgrflsa/determining_hours_worked/#c255105)

HISTORY:

New	July 1990
Amended	December 1996
Amended	June 1997
Amended	March 2003
Amended	March 2004
Amended	October 2005
Amended	October 2009
Housekeeping	July 12, 2013
Housekeeping	January 28, 2014

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## Policy Change Cover Sheet

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**SECTION:** Policy Number and Name: Policy 213 Rest Periods

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes ☒ No
  - Describe change: NDUS Human Resource Policy 18 Rest Periods has been changed to five hours to match the State of North Dakota's policy on meal breaks.
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted: Human Resources and Payroll 07/01/2016
  - Email address of the person who should be contacted with revisions: [colette.erickson@nds.edu](mailto:colette.erickson@nds.edu)

*This portion will be completed by Mary Asheim.*

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University  
Policy Manual

SECTION 213  
REST PERIODS

SOURCE: NDUS Human Resources Policy Manual, Section 18

- 1. Employees may be allowed a paid rest period of 15 minutes each half day to be arranged by the department head. The work day may not be shortened and lunch periods may not be lengthened by omitting rest periods.
- 2. Employees who work more than ~~four~~ five (5) hours in any one day shall be allowed a minimum of 30 consecutive minutes for one unpaid lunch period.
- 3. NDSU shall provide:
  - a. A reasonable break time for an employee to express breast milk for her nursing child for 1 year after child's birth each time such employee has the need to express milk
  - b. A place, other than a bathroom, that is shielded from view and free from intrusion for coworkers and the public, which may be used by the employee to express breast milk
  - c. NDSU shall not be required to compensate an employee receiving reasonable break time for any work time spent for such purpose.

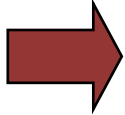
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NDSU has the following lactation rooms available for nursing mothers:  
[http://www.ndsu.edu/diversity/womens\\_resources/lactation\\_rooms/](http://www.ndsu.edu/diversity/womens_resources/lactation_rooms/)

HISTORY:	
New	July 1990
Amended	May 1997
Amended	October 2010
Housekeeping	February 14, 2013

# 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.



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## SECTION: 400 Purchasing – General Policies

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s). The changes are just the purchasing thresholds to bring them in line with both NDUS and State Procurement and change Sole Source to Alternate Procurement Form.
  - Is this a federal or state mandate? ☐ Yes
  - ☒ No
  - Describe change: To bring purchasing thresholds in line with NDUS and the State Procurement Office and to change the Sole Source for to Alternate Procurement Form
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted Stacey Winter, Director of Purchasing
  - Email address of the person who should be contacted with revisions [Stacey.winter@nds.edu](mailto:Stacey.winter@nds.edu)

*This portion will be completed by Mary Asheim.*

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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# North Dakota State University

## Policy Manual

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### SECTION 400

#### PURCHASING – GENERAL POLICIES

SOURCE: SBHE Section 803.1, Purchasing Procedures  
NDSU President

1. Each institution shall develop and implement necessary and appropriate policies and procedures to ensure compliance with laws and State Board of Higher Education policies governing purchasing. Officers and employees involved in purchasing decisions shall comply with all applicable federal and state laws and regulations relating to conflict of interest and acceptance of gifts and gratuities. Institution purchasing policies and procedures shall incorporate (or refer to) SBHE Policy 611.4 relating to conflict of interest, and include procedures for disclosing a conflict of interest. Further, institution purchasing policies and procedures shall address whether vendors' offers of scholarships, endowments, and other premiums contained in bids or proposals will be considered and, if so, the criteria for evaluating such offers.

#### NDSU Guidelines

- 1.1 The Director of Purchasing is responsible for the preparation and enforcement of NDSU purchasing policies. The Director of Purchasing may delegate authority to an NDSU employee to purchase specific types and classes of goods and services with prior written authorization by the departmental supervisor. This authorization shall specify what may be purchased by the employee and the duration of the purchasing authorization.
- 1.2 Purchasing has the responsibility for obligating the University and for making the final determination of source of supply consistent with the required delivery schedule, ability to meet specifications and price negotiations, except where others are so authorized. These decisions will be made in conjunction with user departments as appropriate.
  - 1.2.1 In the event there is an unauthorized purchase, Purchasing will arrange to meet with the individual(s) and the supplier to reduce the potential for future non-compliance. Any unauthorized purchase may result in holding the individual personally responsible.
- 1.3 The basic responsibilities of Purchasing and those of the using departments are as follows:

Purchasing	Requestors
Responsible for:	Responsible for:
1. Prequalifying suppliers	1. Preparing purchase requisitions
2. Taking bids	2. Providing reasonable lead time
3. Processing quotations	3. Providing justifications as required
4. Negotiating with suppliers	4. Assuring that contract and grant requirements are met
5. Making awards	5. Assuring that funds are available

6. Releasing award information	6. Others as appropriate
7. Auditing purchasing actions of others	
8. Administering a minority business development program	
9. Others as appropriate	

- 1.4 *No personal purchases shall be made in the name of the University nor shall any University resources be used in any way for the purpose of making personal purchases.*
- 1.5 *North Dakota University System, Policy 611.4; North Dakota State University Policy 151 - Conflict of Interest and North Dakota Century Code Sections 12.1-13-03 and 48-02-12 are referenced and made part of this Purchasing Policy. Any employee of the University authorized to sell or lease any property or make any contract in the employee's official capacity may not be interested in any such sale, lease or contract.*
- 1.6 *All employees involved in federal fund projects shall comply with the conflict of interest requirements that govern any federal grants or other sponsored agreements.*
- 1.7 *Equipment and supplies purchased for use by a governmental agency are not subject to sales/use tax or federal excise tax except heating fuel, gasoline and property purchased by NDSU that is installed by an independent contractor. A letter is on file in the Purchasing Department which may be sent to vendors who need proof of our tax exemption.*
- 1.8 *In addition to this section, all other federal and state laws, rules and regulations relating to Purchasing must be followed.*

2. NDUS institutions shall cooperate and make joint purchases with the Office of Management and Budget Purchasing Division when advantageous to do so as intended by North Dakota Century Code 54-44.4-02. Institutions may also purchase equipment or supplies through participation in joint purchasing alliances formed with other states or organizations, when it is advantageous to do so. Additional bids or proposals shall be solicited from other vendors when required by law or this policy.

#### *NDSU Guidelines*

- 2.1 *All NDSU personnel will be required to purchase from prime vendor or other annual contracts or other such pricing agreements that are established.*

3. Personal property, equipment or supplies estimated at less than \$~~50,000~~10,000 may be purchased at the discretion of the institution. When feasible, informal quotes or proposals should be solicited from more than one vendor. Reasonable steps shall be taken to ensure that qualified North Dakota vendors have an opportunity to compete for the contract. Personal property, equipment or supplies estimated at \$~~50,000~~ 10,000 or more must be purchased from formal bids. As many sources as possible, including qualified North Dakota vendors, should be solicited.

#### *NDSU Guidelines*

- 3.1 *NDSU employees authorized by their respective department or unit can make a single non-repetitive purchase of a good or service in the amount of \$5,000.00 or less. Purchases of \$5,000.01 and above shall be processed through the NDSU Purchasing Department.*

4. Consulting or other contract services and insurance estimated at less than \$100,000, shall be purchased by negotiation, telephone or informal written quote or proposal. When feasible more

than one vendor should be requested to submit prices to ensure appropriate competition. Reasonable steps shall be taken to ensure that qualified North Dakota vendors have an opportunity to compete for the contract. Consulting or other contract services or insurance estimated at \$100,000 or more must be purchased through a formal request for proposal process that includes procedures for identifying eligible vendors, developing a comprehensive requirements document, specifying unique needs, negotiating mutually acceptable contract terms, and listing minimum proposals requirements. Payments for services may be made only according to a written contract.

*NDSU Guidelines*

*4.1 Consulting services and insurance greater than \$50,000 shall be coordinated through the Purchasing Department.*

5. Personal property, equipment or supplies estimated at \$~~50,000~~<sup>10,000</sup> or more, must be purchased from formal bids. As many sources as possible, including qualified North Dakota vendors should be solicited. All service contracts for a term in excess of three years shall include a provision for review of contract performance at specified intervals, not less frequently than once every two years. Service contracts may not exceed a term of ten years.

*NDSU Guidelines*

*5.1 Formal bids for goods and services shall be processed through the NDSU Purchasing Department.*

6. Items which do NOT require competitive bidding are purchases made from discount contracts under a group alliance or consortium, other items possessing unique characteristics or properties which because of those peculiarities are essential to the conduct of particular research projects or instructional endeavors or sole source services. Purchases of an item or service under this exception is permitted only with the written approval of the purchasing officer or other official delegated that authority based upon documentation of:
  - a) The unique characteristics of the products, and
  - b) Specifically what task is to be performed requiring the unique characteristics of the product.

The purchasing office shall document in writing the process in all cases in which the lowest bid is not accepted. All required documentation shall be retained according to governing records retention policies.

*NDSU Guidelines*

*6.1 A letter of justification on any Sole Source Purchase ~~sole source purchase~~ not covered under a term contract, priced at \$5,000.00 and above shall be sent to the Director of Purchasing. This should be done on the Alternate Procurement Form*

*6.2 Items which do not require competitive bidding are:*

- a) *Utilities such as telephone, electric power, and natural gas services.*
- b) *Public books and maps, periodicals and technical pamphlets.*
- c) *Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.*

- d) *Direct purchases from any NDSU campus auxiliary service or internal service fund operation(s).*
  - e) *Term contracts created by the NDSU/NDUS/State Purchasing Personnel.*
  - f) *Consulting Services up to \$50,000 (**excluding** architect/engineering services) if the Contracted Services Agreement form is used or an agreement is reviewed and approved by the Attorney(s) assigned to NDSU. The Purchasing Department will determine if competitive bids are required for services greater than \$50,000 but less than \$100,000.*
  - g) *Construction/Remodeling Services up to \$~~30,000~~ 10,000 **total project cost**, if the Contracted Services Agreement form is used and the specifications are in compliance with applicable building codes and policies and the NDUS/NDSU "Guidelines for Architects and Engineers" manual. A copy of the completed form should also be sent to the Facilities Management Director, Thorson Maintenance Center.*
7. Preference shall be given to North Dakota bidders when required pursuant to N.D.C.C. Section 44-08-01. Accordingly, preference equal to the preference given or required in the state of a nonresident bidder shall be given in purchasing any goods, merchandize, supplies, or equipment. Also, when accepting bids for the provision of professional services, including research and consulting services, the contract shall be awarded to a resident North Dakota bidder if the bid of the resident North Dakota bidder is equal to or less than the low bid of a nonresident bidder and the resident North Dakota bidder has an acceptable performance history and meets the minimum requirements specified in the bid solicitation.

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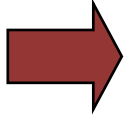
HISTORY:

Amended	July 1990
Amended	January 1997
Amended	March 2003
Amended	July 2004
Housekeeping	August 2011
Housekeeping	July 23, 2012
Housekeeping	August 31, 2015



# Policy Change Cover Sheet

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## SECTION:

## Section 610 Missing Student Notification

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? x Yes – The ability to designate an individual to be contacted in the event a student is determined to be missing is a federal mandate. The change in policy wording is to correct the statement about the *manner* in which the information is collected.
  - Describe change: Section 3.1 erroneously states that contact information is to be provided at “myhousing.com.” The reference to “myhousing.com” is being removed.
2. This policy change was originated by (individual, office or committee/organization):
  - Department of Residence Life, August 24, 2015
  - [jason.medders@nds.edu](mailto:jason.medders@nds.edu)

*This portion will be completed by Mary Asheim.*

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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# North Dakota State University

## Policy Manual

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### SECTION 610

#### MISSING STUDENT NOTIFICATION

SOURCE: NDSU President

1. INTRODUCTION: Pursuant to the 2008 reauthorization of the Higher Education Act, students residing in NDSU owned and operated facilities have the opportunity to designate an individual to be contacted in the event the student is determined to be missing. The purpose of this policy is to clarify the option available for such designation, and the institution's responsibility for notification in the case of a missing student.
  2. DEFINITION: A missing student is defined as a person currently enrolled at North Dakota State University, whose whereabouts have been unaccounted for by law enforcement for more than 24 hours.
  3. CONTACT INFORMATION: Students residing in NDSU owned and operated facilities have the option to designate an individual to be contacted in the event the student is determined by NDSU Police or appropriate law enforcement agency to be missing. This contact may be the same or different than the emergency contact information provided in the student's campus connection account.
    - 3.1 Students may register confidential contact information with the Department of Residence Life, [via myhousing.com](https://myhousing.com). This information will be utilized only by campus officials and law enforcement when the student is determined by police to be missing. This information will not be disclosed for other purposes.
  4. REPORTING: A report should be filed with the NDSU police at the time a student is presumed to be missing. A report may be filed by an NDSU employee, friend, roommate, or family member. An investigation will be conducted in attempt to determine the whereabouts and well-being of the student.
  5. INITIATE PROCEDURES: When NDSU Police have been notified and the student becomes the subject of a missing persons report, NDSU will initiate the Missing Persons Procedures and Notification in accordance with the student's designation.
  6. NOTIFICATION: The student's designated contact person will be notified.
  7. MINORS: If the student is under the age of 18, and is not an emancipated adult, NDSU is required to notify a custodial parent or guardian, in addition to any contact person specifically designated by the student. Contact will be made no more than 24 hours after the student is determined by NDSU Police or other appropriate law enforcement agency to be missing.
  8. FAILURE TO DESIGNATE CONTACT: in the event a student residing in a university owned and operated facility, is determined by NDSU Police or other law enforcement to be missing, and has not previously identified a missing persons contact, NDSU will notify the individual identified in the student's Campus Connection account as the emergency contact.
-

HISTORY:

New	March 16, 2010
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**SECTION:** Policy Number and Name: Policy 101 Personnel Definitions

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: NDSU Policy does not match NDUS Human Resource Policy 2 Appointments. NDSU's policy does not state that the policy manual only applies to benefited employees. NDUS Huma Resource Policy 2 also has added the definition of the Affordable Care Act (ACA) guidelines.
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted: Human Resources and Payroll/Colette Erickson
  - Email address of the person who should be contacted with revisions: [colette.erickson@nds.edu](mailto:colette.erickson@nds.edu)

*This portion will be completed by Mary Asheim.*

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Faculty Senate:

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## North Dakota State University Policy Manual

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### SECTION 101

#### PERSONNEL DEFINITIONS

SOURCE: SBHE Policy Manual, Sections 605.1 and 606.1  
NDUS Human Resource Policy [2](#) Manual  
NDSU President

##### 1. CLASSIFICATION STATUS

###### 1.1 Staff Employee

A person in a position covered by the North Dakota University System Broadbanding System.

###### 1.2 Non-Banded Employee

###### 1.2.1 Academic Staff

Faculty (instructors, assistant, associate or full professors), lecturers, and graduate assistants.

###### 1.2.2 Other Non-Banded

Staff excluded from broadbanding by Board rule: president, executive deans, vice presidents and officers of the institution or staff holding positions the institution president has excluded by designation, including coaches, extension and experiment station professionals, and others in 2000 job categories not included in 1.2.1 above.

##### 2. EMPLOYMENT STATUS

###### 2.1 Regular Employee

A *staff employee*, who satisfactorily completes a probationary period, *or a non-banded employee*, who is appointed to an approved and regularly funded position, and who is employed at least seventeen and one-half hours per week if hired before August 1, 2003 or twenty hours per week if hired on or after August 1, 2003, and at least twenty weeks each year. The policies and benefits included in this manual shall apply to all such person except when specifically excluded by statute or these policies.

###### 2.1.1 Full-Time Employee

A person employed on a regular basis for a minimum of 40 hours per week.

###### 2.1.2 Part-time Employee

A person employed on a regular basis for less than 40 hours per week.

*A part-time lecturer is generally considered to be a regular employee if she/he teaches 7.5 or more credits for two or more consecutive semesters.*

2.2 Temporary Employee

A person employed in a position of intermittent or limited duration not to exceed one year, a seasonal position, or in a position working less than seventeen and one-half hours per week, or less than five months per year, if hired before August 1, 2003, or less than twenty hours per week or less than 20 weeks per year if hired on or after August 1, 2003. The policies and benefits included in this manual shall not apply to temporary employees except as noted. A temporary staff employee may be terminated at any time with or without cause.

2.2.1 Full-time Affordable Care Act (ACA) Temporary Employee

A person employed 30 hours or more per week or 130 hours per month or 1, 560 hours per year; including any employee that is reasonably expected to work 30 hours per week for a month, qualifying variable hour employee, and employee who is not a seasonal employee.

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2.2.2 Seasonal Employee

A seasonal position is one in which a person works 6 months or less per year during an institutionally designated "season," such as the agricultural growing season. A seasonal employee must be terminated at the end of the institutionally recognized season, but may be rehired for a future season although there is no guarantee of re-employment.

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3. OVERTIME ELIGIBILITY STATUS

3.1 Nonexempt Employee

Those employees serving in positions covered by the Fair Labor Standards Act who are eligible for overtime pay or compensatory time off. Generally those employees in bands 4000 through 7999 are included in this group.

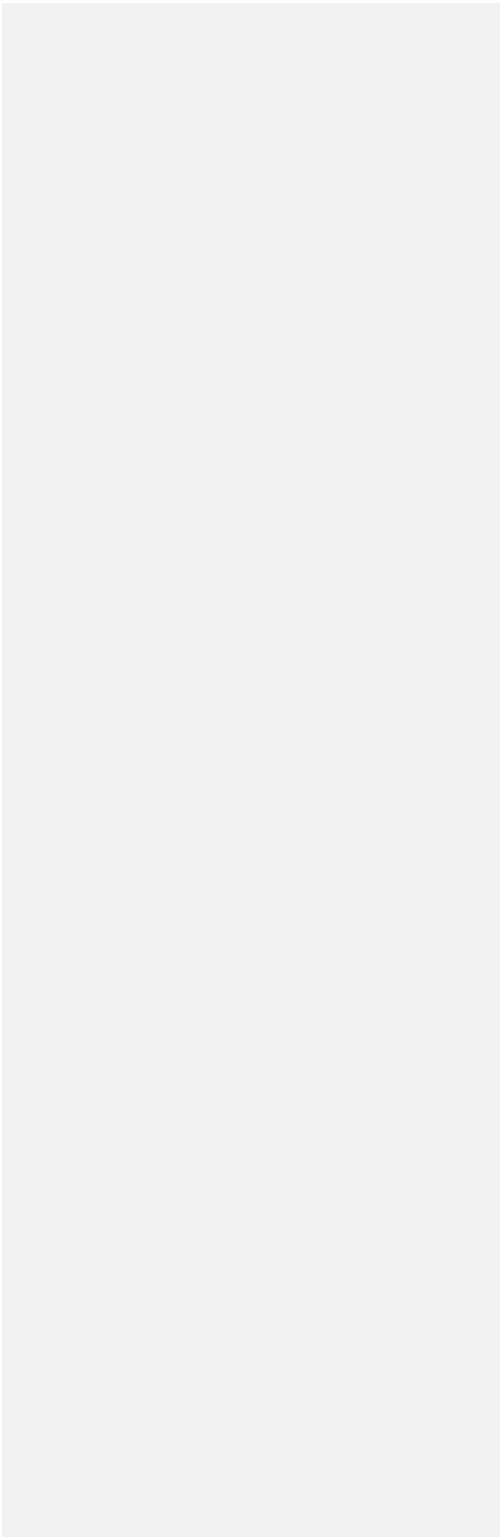
3.2 Exempt Employee

*Those employees serving in positions exempt from the overtime pay and compensatory time off provisions of the Fair Labor Standards Act because their administrative, professional or managerial responsibilities meet the exemption requirements of the Act. Generally this includes employees in bands 1000 through 3999.*

HISTORY:

New	July 1990
Amended	April 1996
Amended	August 1997
Amended	August 1998
Amended	July 1999
Amended	December 1999
Amended	December 2000

Amended	February 2001
Amended	October 2001
Amended	April 2005
Amended	January 2007
Amended	September 18, 2013
Amended	January 28, 2014
Amended	October 8, 2014
Amended	November 7, 2014
Amended	April 29, 2015



## Policy Change Cover Sheet

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### SECTION: **360 EARLY RETIREMENT**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes ☒ No
  - Describe change: Changes are proposed in an effort to 1) comply with recent changes to SBHE policy and 2) clarify the policy.
2. This policy change was originated by (individual, office or committee/organization):
  - Office of the Provost
  - [canan.bilen.green@nds.edu](mailto:canan.bilen.green@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 5/16/16

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University  
Policy Manual

SECTION 360  
EARLY RETIREMENT

SOURCE: SBHE Policy Manual, Section 703.1  
NDSU President

1. Early retirement ~~incentives~~ may be offered by the administration of NDSU as authorized by specified in SBHE Policy 703.1. This policy is governed by the provisions of SBHE Policy 703.1. These incentives may take the form of tenure/contract purchase, phased retirement or reversible retirement. Early retirement is not an entitlement but requires mutual agreement and written consent of both the employee and the administration. Early retirement may not be used as a device to circumvent the due process procedures for dismissals under SBHE rules and it is available only when the institution has documented the benefits resulting from the agreement.
2. Eligibility. This policy only applies to tenured faculty, the president, vice presidents, deans and officers of the institution who report directly to the president, the provost, or a vice president, or dean. The sum of the employee's age and total years of employment with the ND University System must equal 70 or greater.
3. Process. An eligible employee wishing to pursue an early retirement agreement will submit a formal request in writing to his or her direct supervisor, who will notify the relevant Vice President or, in the case of faculty, the relevant Dean and the Provost. This request should include the employee's expected date of retirement, the number of years of service, and birthdate. This request must be made at least six months prior to the expected date of retirement. The Vice President or Provost will inform the President of the request and contact the Director of Human Resources and Payroll to discuss options.
4. Evaluation. The Vice President or Provost will discuss the request with the employee and determine whether the benefit to NDSU is sufficient to merit approval of the request. The Vice President or Provost will negotiate the terms of the early retirement agreement with the employee. All costs associated with the early retirement agreement must be borne by the college or unit. The terms must be approved by the Director of Human Resources and Payroll and the President. The Director of Human Resources is responsible for executing ND University System Early Retirement Agreement form and routing it for signatures.

2. GENERAL

- A. Early retirement is for the mutual benefit of the employee and the colleges and universities. Employees will be able to plan their retirement with increased options and benefits and with less fear of the unknown. The colleges and universities can use early retirement as a cost saving tool, but, more importantly, as a vehicle for the infusion of new thoughts, ideas, and skills by the opening up of positions. Early retirement may not be used as a device to circumvent the due process procedures for dismissals under the Board's rules and it is available only when the institution has documented the benefits resulting from the agreement.

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- B. ~~Early retirement is not an entitlement but requires mutual agreement and written consent of both the employee and the administration. This policy only applies to tenured faculty, the president, vice presidents, deans and officers of the institution who are members of TIAA/CREF, TFFR and TIRF. The sum of the employee's age and total years of employment with the North Dakota University System must equal 70 or greater.~~
- C. ~~Institutions shall use the approved standard form contract which will allow specifics to be added as they apply to individual cases.~~
- D. ~~The Early Retirement Agreement for tenured faculty and other eligible employees of the institution shall be approved by the president. Early Retirement Agreements for the president shall be approved by the Chancellor. The Early Retirement Agreement must be accomplished by a statement of the benefit to the institution or to the system resulting from the Early Retirement, and whether the agreement is pursuant to a reduction in force or whether the position will be eliminated or downgraded, a copy of the employee's current contract with the school or the system, and a statement of the employee's birthdate.~~

***NDSU Guidelines:***

- A. ~~An eligible tenured faculty member wishing to pursue an early retirement agreement shall submit a formal request to the department chair, who will route the inquiry to the dean, who will route the request to the Provost and Vice President of Academic Affairs. An eligible Officer of the Institution wishing to pursue an early retirement agreement shall submit a formal agreement to the Vice President of their division.~~
- B. ~~A Vice President wishing to initiate an early retirement negotiation for an eligible employee (see 2b) in his or her division contacts the Director of Human Resources/Payroll to discuss options at least four months prior to the proposed retirement date, and informs the President of the possible negotiation.~~
- C. ~~The Vice President negotiates the terms with the employee.~~
- D. ~~The Vice President sends to the Director of Human Resources/Payroll a memo including buy out amount, duration of any single coverage health insurance premium payments, date of retirement and date(s) of buyout payments and a statement of how the buyout benefits the University to the Director of Human Resources/Payroll.~~
- E. ~~The Director produces the Early Retirement Agreement document and routes it for signatures.~~
- F. ~~Upon execution of an Early Retirement Agreement, any payments will be charged to the college/unit budget.~~

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HISTORY:	
Amended	April 24, 1987
Amended	March 8, 1993
Amended	June 1994
Amended	October 1997
Amended	September 2000
Amended	July 2001
Amended	October 2007

# Implementation of a Single NDUS Learning Management System

August 16, 2016

Darin King  
Chief Information Officer  
North Dakota University System

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## Introduction

### *Historical Perspective*

The North Dakota State Board of Higher Education (NDSBHE) first stated the intent to develop a single learning management system (LMS) that would be used by all North Dakota University System (NDUS) institutions in a document entitled “Maximizing Results through Efficiencies” presented in November of 2011. Partial progress was made when NDUS implemented a single instance of an open source LMS (Moodle) for five institutions and three NDUS institutions partnered to implement a commercial LMS (Pearson eCollege).

On May 24, 2016 the NDSBHE reiterated their intent during a meeting of the full board. A motion to proceed with consolidation into a single Blackboard environment was made and passed by the board.

### *Current State*

There are currently at three LMS systems in use across the NDUS. The table below represents the LMS solutions at each institution and how they are delivered.

<b>NDUS Institution</b>	<b>Current Instances</b>	<b>LMS Solution</b>
Minot State University North Dakota State University University of North Dakota Valley City State University	Blackboard Managed Hosting Locally Hosted at NDSU Locally Hosted by NDUS Data Center Locally Hosted at VCSU	Blackboard
Dakota College Bottineau Dickinson State University Mayville State University North Dakota University System Williston State College	Software as a Service	Moodle
Bismarck State College Lake Region State College North Dakota State College of Science	Software as a Service	Pearson eCollege

There are currently six instances of LMS solutions. There are four separate instances of Blackboard and a single instance of both Moodle and eCollege.

NDUS institutions currently using Blackboard and Pearson eCollege are paying for the products and services. NDUS is currently paying for the implementation of Moodle at the indicated institutions.

Current Blackboard campuses are using a variety of different Blackboard products. NDUS currently provides Blackboard Collaborate (Web Conferencing) and

### *Desired Future State*

The directive by the SBHE indicate the future state should be a single system focused on providing a seamless experience for users, regardless of their affiliation or role with individual campuses. This single system will improve the user experience, create educational opportunities for students, create operational efficiencies, and reduce the total cost for all NDUS institutions using the same LMS solution.

## Implementation Options

### *Blackboard Solutions Bundles*

Blackboard offers three different solution bundles. All solution bundles support either deploying the software locally through the NDUS Data Center or deploying the software through Blackboard's hosting services. The Learning Essentials Bundle provides all of the functionality available today to NDUS Blackboard campuses and would extend additional capabilities and services to all NDUS campuses.

### Learning Bundle Solutions – Software & Services

	Learning Core	Learning Essentials	Learning Insight
Course Creation, Delivery, & Management	x	x	x
Course Assessments, Grading, & Plagiarism Prevention (SafeAssign)	x	x	x
Course-Based Analytics	x	x	x
Enterprise Surveys	x	x	x
Asynchronous Communication & Collaboration (for Courses & Extracurriculars)	x	x	x
Social Learning & Bb's Global Learning Network	x	x	x
Academic Portal	x	x	x
File Management System	x	x	x
Global Learning Object Repository	x	x	x
Portfolios	x	x	x
Mobile apps	x	x	x
Services to Drive Capability Adoption		x	x
Web Conferencing		x	x
LMS/SIS Reporting & Dashboards			x
Institutional Assessment & Accreditation Support			x

The Learning Insight Bundle includes additional data analytic capabilities and services. This may be of value to some campuses and could be included if determined to be cost effective. Additional details regarding the bundle and related offerings can be found in Appendix A-D.

### *Deployment Option #1 – NDUS Locally Hosted*

NDUS would purchase and maintain the infrastructure necessary to host Blackboard for all NDUS institutions. The infrastructure would be housed in the NDUS Data Center and could comprise either a single or multiple instances of purchased Blackboard software.

### *Deployment Option #2 – Software as a Service (SaaS)*

Blackboard would deliver the Learning Insight Bundle on a subscription basis and host it for all NDUS Institutions. This subscription service could comprise of either a single or multiple instances of Blackboard.

## **Implementation Analysis**

### **PART 1 – Software Bundles**

#### *Blackboard Solutions Bundle*

The Learning Essentials Bundle provides the basic LMS capabilities currently available to NDUS institutions regardless of the solution in place today. It also includes additional features for campuses moving to Blackboard, including content, mobile, and community features.

The Learning Insights Bundle includes additional functionality for detailed reporting and analytics. There may be interest from some campuses in this additional functionality and it could be purchased by individual campuses.

### **PART 2 – Number of Instances**

#### *Single Instance*

Implementing Blackboard as a single, NDUS instance with an institutionally based hierarchy would ensure a consistent experience for all users. Students and faculty would have a single login and access to all their courses and content regardless of their home institution. Upgrades and maintenance would happen simultaneously for all institutions.

Existing Blackboard institutions currently have the ability to run scripts and queries directly against the Blackboard system. A single instance would reduce system level access for some institutional administrators, however all functionality would still be available by working with a system level administrator.

Implementation of a single instance would require an effective, representative governance model to develop common procedures and operational efficiencies for all NDUS institutions.

Building blocks are integrations between Blackboard and other systems. Current Blackboard campuses have many building blocks installed to provide a variety of functionality. An analysis is currently underway to determine if there are building blocks currently being used by campuses that will need modification or updating to work in a single instance.

### *Multiple Instances*

Implementing Blackboard in multiple, institutionally based instances would provide the greatest campus level control and autonomy. Institutions would retain complete system level control of their Blackboard instance and be responsible for upgrades and maintenance.

It would be more difficult to ensure a consistent user experience across multiple instances and supporting users when problems arise would be challenging.

## **PART 3 – Hosting Deployment Options**

### *NDUS Locally Hosted for Learning Essentials*

By hosting Blackboard in the NDUS data center for all NDUS institutions, some efficiency could be achieved. Current Blackboard campuses would no longer have to purchase and maintain campus based hardware to support Blackboard. There would still be hardware that would have to be purchased and maintained by NDUS, but it would potentially reduce the current operational cost of running campus based infrastructure. This would also potentially require additional NDUS resources to ensure acceptable performance during peak usage periods.

NDUS would be responsible for all patching and upgrades if self-hosted. This would be done once or twice per year and require significant down time to accomplish.

In this scenario, there would not be access to the newest version of Blackboard, called the Ultra Experience. No current NDUS Blackboard campus uses the Ultra Experience today, however there is interest by some in this new version of Blackboard.

### *Software as a Service (SaaS) for Learning Essentials*

Blackboard's SaaS offering is powered by a modern cloud based computing stack via Amazon Web Services. This would provide 99.9% uptime, on demand scalability during peak usage, and near zero downtime for updates and maintenance.

Blackboard hosts and maintains all SaaS environments, including production, test, staging, and a reporting environment (Direct Data Access) and stage. Blackboard would be responsible for all patching and upgrades. This would allow us to coordinate updates across all NDUS institutions to ensure a consistent user experience.



This offering also includes a single point of contact within Blackboard (Service Delivery Manager) for all technical support, escalation, documentation and event management. The Service Delivery Manager will also lead the migration efforts for institutions moving to a single or multiple instances.

System level access is limited to Blackboard in the SaaS offering, so it will be critical that support and communication processes between campuses, NDUS and Blackboard are clearly defined and understood by all parties.

## Recommendations

### *Recommendation #1*

**The North Dakota University System should implement Blackboard in a single instance with institutional hierarchy.**

Deploying a single instance will ensure a consistent user experience across all NDUS institutions. The institutions currently using Pearson eCollege (Bismarck State College, Lake Region State College, and North Dakota State College of Science) will be the initial institutions implemented in the single instance. Planning for migration of the Moodle and existing Blackboard institutions will commence early in 2017.

### *Recommendation #2*

**The North Dakota University System should select the Learning Essentials Bundle for use by all NDUS institutions and develop contractual and operational procedures for individual campuses to purchase additional solutions and services from Blackboard.**

The Learning Essentials Bundle provides the functionality available today and adds a number of new features for some institutions. Individual institutions will be able to add additional features to meet specific institutional needs.

### *Recommendation #3*

**The North Dakota University System should enter into a contract for the Blackboard SaaS Advantage offering.**

Deploying Blackboard SaaS will provide operational efficiencies, improve the user experience, and provide for increased scalability and availability.

### *Recommendation #4*

**The North Dakota University System must implement a representative governance model for the implementation and operations of a single instance of Blackboard SaaS Advantage.**

It will be critical to engage both functional and technical stakeholders from each NDUS institution to design a governance model that will develop policies and procedures to ensure ongoing operational excellence and efficiency.

## Appendix A – Blackboard Learning Essentials Bundle



### Learning Essentials Solution Services

The Learning Essentials Solution is the first step toward a more engaging digital learning experience. With our powerful learning management system and collaborative learning environment, institutions get the tools needed to reach students when, where, and how they want to learn. The Learning Essentials Solution provides you with these benefits:

- ✓ Course creation delivery, and management
- ✓ Mobile access to courses and organizations including assignments and grades
- ✓ Flexible delivery options, including Software-as-a-Services (SaaS), self-hosted, or Blackboard Hosted
- ✓ Online Collaboration including Web Conferencing
- ✓ Share, reuse, and find quality learning objects, making it easier to build courses in Blackboard, engagement students, and achieve pedagogical goals

The services included in the Learning Essentials solution are the first step toward a more engaging digital learning experience. With our powerful learning management system and collaborative learning environment, institutions get the tools needed to reach students when, where, and how they want to learn. Many institutions have seen exponential gains in student performance and retention rates as a result of increased student engagement in the campus online learning environment.

Learning Essentials Services include:

Phase	Description	Phase Activities
<b>Planning</b>	The planning phase is designed to quickly and succinctly gather information from key stakeholders to address institutional goals, increase adoption, and ensure a holistic plan for all relevant technologies.	Three days of onsite <b>Academic Technology Planning</b> are dedicated to capturing critical goals for academic technology systems at the institution, drafting use cases for each system, strategies for launching technology, increasing adoption, and creating a rich eLearning experience. During the onsite sessions, a Blackboard Consultant will work with key institution stakeholders to set short and long term goals, assess risks and craft mitigations plans and create a detailed plan to help achieve institution adoption goals.
<b>System Administration Set-Up</b>	During the System Administration Set-Up phase, the Blackboard consultant takes the outputs from the planning phase and, through a series of remote working sessions, works with the institution's LMS	<b>Ten hours of remote, synchronous workshops</b> during which a Blackboard Consultants works with your institution's core project team to discover the possibilities for and deciding what works best for your institution. A range of topics are available to choose from including: <ul style="list-style-type: none"> <li>• Course Delivery Overview</li> <li>• Community Engagement Overview</li> <li>• Content Management Overview</li> <li>• What's New in the Current Release</li> </ul>

Blackboard Consulting

## Appendix B – Academic Technology Planning Services

**Blackboard®** | Consulting Services



### Academic Technology Planning Services

**Updating technology is a time-consuming, complex task. Problems during a transition to updated or new technology can lead to lack of adoption and difficulty during subsequent change management, which creates an ongoing problem with unhappy users and constant change requests.**

Blackboard's Academic Technology Planning Service (ATP) helps clients with the initial rollout of new products and with planning for ongoing adoption of current technology. Our consultants help clients:

**Discussion and development of stakeholder use cases for the purpose of:**

- Planned feature/ functionality releases
- Marketing and communication planning
- Change Management planning



Adjust to the look and feel of new releases,



Align with overall institutional educational technology objectives



Plan for ongoing change management associated with continuous delivery



Incorporate use case based best practices



The Blackboard Academic Technology Planning Service provides the necessary goal setting, subject matter expertise, planning, and change management to ensure the successful implementation or wider adoption of Blackboard teaching and learning technologies. Whether new to Blackboard or seeking to increase impact and learner experience, this service helps to ensure a smooth and well-organized path for change management leading to deeper adoption and higher student engagement.

**Blackboard®**

## Appendix C – Training

# Training Program Development Solution Blackboard, Inc.

### Overview

The Training Program Development solution, TPD, is a comprehensive professional development package that provides organizations with the resources needed to build a self-sustaining training program at their institution.

The TPD provides ongoing, unlimited access to training materials designed to enhance learner outcomes and promote effective usage of Blackboard Products, allowing an organization's master training team to focus on training and support instead of the development and maintenance of materials.

The solution is designed to provide current and accurate training and support material that an organization's master instructional team can use to train their learning constituents. Therefore, the package is updated on a regular basis to match the features and enhancements in the Blackboard products.

Through a series of implementation meetings, the Blackboard TPD Support Team will work with the organization's master training team to ensure that their TPD implementation plan is designed to meet their program's unique learning, administrative, and user needs.

A TPD user's master instructional team is enrolled in the Blackboard TPD Community of Practice. This CoP is designed to support an organization through their TPD implementation by housing training and support materials and engaging them in with other TPD users.

TPD materials are accessed via a Download Center in the Blackboard TPD Community of Practice and facilitated from an organization's Learn and/or Collaborate instance by their master instructional team, allowing an organization the freedom to rebrand and modify the materials to meet their needs.

### Package Highlights

- Online Courses
- Workshop Materials
- Supplemental Resources
- Synchronous TPD Implementation Support
- Ongoing Package Support from the Blackboard TPD Support Team
- Access to the Blackboard TPD Community of Practice
- Continuous Release Maintenance Cycle
- Available in English
- Available as a Subscription Service

---

**Blackboard**

Training Program Development Solution  
Proprietary and Confidential  
Last updated 11/2/15

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## Appendix D – SIS Integration and Grades Journey

### Blackboard



#### SIS Integration Mentoring + Grades Journey Extract

The objective of the SIS Integration Mentoring and Grades Journey Extract service is to provide guidance and support to a client with no existing SIS integration to Blackboard Learn with implementing the SIS Integration Framework and the Blackboard Learn Grades Journey functionality that was introduced in the Learn 2015 release.

This SIS Integration Mentoring service is also intended for clients implementing the [IMS Learning Information Services](#) (LIS) integration method. This service will provide the client with planning, auditing, guidance, Learn scripting training, troubleshooting and documentation for the data integration process.

This service begins with a kick-off call to determine scheduling, logistics, and proper scoping of the service to meet the client's needs. All sessions listed below will be delivered during scheduled Collaborate sessions. The time, day, and duration of these sessions will be scheduled during the service kick-off call with the Blackboard project manager and assigned consultant. Note that Week 3 sessions can be completed remotely or onsite based on client preference and availability.

#### Topics:

##### Week 1 – Remote

- SIS Framework Technical Overview
- Data Planning Workbook Sessions
  - Discussion of SIS data lifecycle and impact on Blackboard Learn
  - SIS to Learn Field Data Mapping
- Generator Guidelines and sample files
- Grades Journey Workbook Sessions
  - Discussion of Grades Journey Integration Workbook documentation
  - Goal-setting and timeline review
- Identification of basic data elements, behaviors and business rules in order to automate processes for assignment and grade column creation in Blackboard Learn
  - Flat-file/delimited data supports the creation of assignments and weighted grade columns
  - LIS 2.0 supports the creation of manual or weighted grade columns
- Knowledge Transfer of file formatting requirements for inbound and outbound data

## Appendix E – Meeting Notes

On July 21, 2016 a group representing all NDUS institutions gathered in Bismarck to discuss the Blackboard implementation. Small groups were used to capture discussions regarding the advantages and challenges to moving towards a single LMS. The following pages are the notes generated by the discussions.

---

Thursday, August 11, 2016 at 1:07:25 PM Central Daylight Time

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**Subject:** One more version - includes institutions represented in the small group discussion

**Date:** Thursday, July 21, 2016 at 2:01:49 PM Central Daylight Time

**From:** Swinney, Lori

**To:** King, Darin

LRSC  
NDSU  
VCSU  
UND

### Advantages

- uptime
- reduction in length of scheduled upgrade times
- SaaS supports Ultra
- Single instance - Ease of use for students and faculty, single sign-on?

### Concerns - Challenges

- Ultra has limited features and doesn't support content system
- access to data
- losing system admin access
- escalating issues through NDUS
- Governance
- Faculty involvement (history of RFP)
- Rollout - resources, time & funding
- Agreement on feature availability as default on

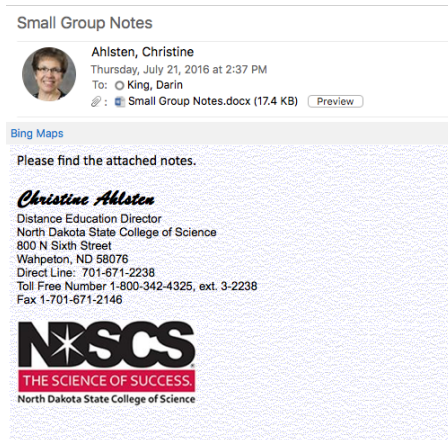
### Burning Questions

- Funding - cost to implement, cost & cost sustain
- governance is a huge concern
- How to help campuses used to having a helpdesk
- timeline for all campuses
- Differences with Ultra,

--

**Lori Swinney, Ph.D.**

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Adj. Asst Prof, Educational Foundations & Research  
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**Questions:**

- **We would like Assessment and Institutional Assessment offered in Insights**
- **Need for access to database**

**Advantages:**

- **UND - in favor of single instance (self or managed hosted) – have building blocks, start and end dates different than other institutions**
- **SaaS – updates > zero downtime**
- **?on shared instance is it possible to accept updates on an individual nodes**

**Challenges:**

- **More details about the shared instance for the collaborative student/faculty.**
- **Help desk - difficult to drop once users are expecting it.**
- **What is the turnaround time is for issues to be dealt with when all sent to a single governance?**



Wednesday, August 17, 2016 at 11:00:36 AM Central Daylight Time

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**Subject:** Notes from Bb Session

**Date:** Thursday, July 21, 2016 at 1:48:43 PM Central Daylight Time

**From:** Heisler, Patti

**To:** Tykwinski, Joe, Wray, Kimberli, Tobola, Cloy, Luke Prather, OToole, Kayla

**CC:** King, Darin

Clarification of SaaS environment

### **Advantages**

Ability to have traditional Bb 9.1, full capabilities, fully functional, ability to experiment

AWS hosted – reliable, so much redundancy

SaaS is where the future is – why not migrate

Collaboration between schools, statewide training, pedagogical things

Cost – cheaper with single instance

Student side – login to see one interface

### **Disadvantages**

When it all works, it will great

Everyone being on same thing at same time creates a potential for single point of failure

Marriage to product as a system

Cyclical processing – nature of remote and local computing (bandwidth, usage, resources used outside NDUS

can be a cost campuses aren't prepared for) – some campuses already at limit

Customization – may be limited in some aspects

Ultra is a good place to play but could be different from campus to campus

There may be limitations on campuses adding building blocks – stifling innovation or flexibility

Some building blocks cannot be bought unless all campuses therefore agreed limiting ability to fulfill the

needs of one campus (costs could go up for everyone)

Different needs for different tiers of schools (2-year, 4-year, research) – these needs should be documented

A lot of questions about networking – costs, redundancy, etc. – can campuses support the new SaaS environment? Afford it?

Development limited to Blackboard, now crowd sourced development

Ancillary tools and services have certain levels of customization that are institution specific

Lose command line database control

### **Challenges**

Cost - ??

Governance – push to make a decision about a model that faculty and others may not be prepared to adopt

Will decisions be made by larger campuses without input from smaller campuses

Page 1 of 2

Thursday, August 11, 2016 at 1:08:02 PM Central Daylight Time  
Page 1 of 2  
Subject: RE: BlackBoard Meeting Small group  
Date: Thursday, July 21, 2016 at 2:09:23 PM Central Daylight Time  
From: Allen, Zachery  
To: King, Darin

Darin,  
Here are the notes from the small group discussion with myself, ScoM, and the BB folks.  
SaaS Single Instance

Advantages:  
As listed during presentation for SaaS in terms of technology. Single experience for NDUS students. Economies of scale.

Challenges:  
Single functionality set for all institutions. Agreement across varying priorities. Assignment of access, roles, reporting, data, APIs, etc.

Burning Questions:  
Challenges can be met with proper governance, but the governance group/system is not defined at this time.  
Thank you,  
Zak - Group 1



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**TO:** Presidents, North Dakota University System

**FROM:** Dr. Mark R. Hagerott, Chancellor

A handwritten signature in blue ink, appearing to read "Mark R. Hagerott", with a stylized flourish at the end.

**DATE:** September 7, 2016

**SUBJECT:** Faculty Sick Leave

The 64th Legislative Assembly passed HB 1003, which included Section 42 mandating the NDUS to address and correct multiple data inconsistencies. Please see the attached data inconsistencies project status report. There are several groups working to address these items and we are about half-way through the list. One item that we are required to standardize systemwide is the accrual of faculty sick leave. A small workgroup compared each of the eleven policies and recommended that NDUS adopt the policy from Valley City State University.

We would like you to start communicating this requirement internally and provide feedback to us. For example, one of the questions is do we grandfather existing accrual accounts, etc.? I'm sure there are many more. This policy will now be sent to the Councils for their input and then sent back to Cabinet. Thank you in advance for moving this mandate forward.

Enclosure

## Data Inconsistencies Status Report

<b>Project Name:</b>	Data Inconsistencies
<b>Sponsor:</b>	Lisa Feldner / Karol Riedman
<b>Report Type:</b>	Status Report
<b>For Period:</b>	8/1/2016 – 8/31/2016
<b>Project Manager:</b>	Joe Tillman

### EXECUTIVE SUMMARY

Overall Summary	Prior Status	Green	Current Status	Green
Green	The project is within 20% variance of the currently approved baseline for budget and schedule, and is expected to substantially meet all of the business objectives established in the startup report.			
Yellow	The project has exceeded 20% variance of the currently approved baseline for budget and/or schedule and is expected to substantially meet all of the business objectives established in the startup report.			
Red	The project is at risk of termination, or at risk of not substantially meeting the business objectives established in the startup report.			
<p>During the month of August the project team has been focusing on reviewing and editing the final reports of the completed objectives from July. To date, of the 24 objectives listed on the project, 12 have been completed with reports delivered to the project leadership for review.</p> <p>Looking forward, we expect and are tracking to have a busy Oct-Dec Quarter. October is scheduled to have 3 objectives completed, 6 in November, and 3 in December. We still expect a few clean-up items on the final reports to go through the end of January 2017 (as planned).</p> <p>There are three objectives that are tracking behind schedule:</p> <ul style="list-style-type: none"><li>5.2 Standardize Purchase Card Use</li><li>5.7 Standardize Tuition Models of On-Campus and Distance Education</li><li>8.1 Standardize Distance Education Student Definition</li></ul> <p>In September the project team will start to develop the shell of the final report to ensure we have a template to address all the critical elements of each objective deliverable. Once that is completed the project team will review with senior leadership to ensure the final report meets all requirements to deliver to the appropriate committee's and council's.</p>				

## SCHEDULE MANAGEMENT

Summary		Prior Status	Green	Current Status	Green
Green	Variance to schedule is within 10%				
Yellow	Variance to schedule equals or exceeds 10%, but is within 20%				
Red	Variance to schedule equals or exceeds 20%				
Objective	Status	Due Date	Next Steps		
1.1: Standardize Software Implementations: (PeopleSoft)	On Track	31-Oct	Continue work group sessions.		
1.2: Develop Policy to manage POI & CW	Completed / Final Report Received	31-May	Completed, in process of reviewing / completing final report.		
2.1 Standardize use of Department Budget Table Deduction	Completed / Final Report Received	31-Jul	Completed, in process of reviewing / completing final report.		
2.2: Standardize Chart of Accounts	Completed / Final Report Received	31-Jul	Completed, in process of reviewing / completing final report.		
3.1: Changing Payroll Funding Source Information	On Track	30-Nov	Slightly ahead of schedule, tracking to wrap up by end of October 2016.		
3.2: Standardize definitions of positions and jobs for payroll funding	On Track	31-Dec	Continuing work sessions with objective teams, progressing as expected.		
4.1: High School Completion Data	Completed / Final Report Received	30-Jun	Completed, in process of reviewing / completing final report.		
4.2: Standardize definition of cohorts	Completed / Final Report Received	31-Jul	Completed, in process of reviewing / completing final report.		
5.1 Standardize Policy/Procedure of Faculty Sick Leave	On Track	31-Dec	New Policy will be reviewed in HRC during September meeting. If approved it will go will go to Cabinet for approval and then State Board.		
5.2 Standardize Policy/Procedure: Purchase Card Use	Tracking Behind Schedule	31-Dec	Waiting on results / recommendations of performance audit before we can continue making any progress on this objective.		
5.3 Standardize Policy/Procedure for Admissions	On Track	31-Oct	Tom presenting options to Executive Steering Committee to finalize objective scope. Once this is wrapped up we will be ready to determine next steps and plan.		
5.4 Standardize Policy/Procedure for Recording Mandatory Fees	On Track	30-Nov	Continue work group sessions.		
5.5 Standardize Policy/Procedure for management and tracking of: Tuition, Waivers, Discounts & Stipends	On Track	30-Nov	Continue work group sessions.		
5.6 Standardize Policy/Procedure of Tuition Waivers (Spouses & Dependents)	Completed / Final Report Received	31-May	Completed, in process of reviewing / completing final report.		
5.7 Standardize tuition models of on-campus and distance education	Slightly Behind	31-Dec	Continuing work sessions with objective teams, progress is moving forward at a slower pace than planned.		
6.1: Standardize Bad Debt Coding Practices	Completed / Final Report In Progress	30-Jun	Completed, in process of reviewing / completing final report.		
6.2: Standardize Journal Entry Practices	Completed / Final Report In Progress	31-Jul	Completed, in process of reviewing / completing final report.		
7.1: Standardize HR Data Elements	On Track	31-Oct	Tracking on schedule, tracking to wrap up by end of November 2016.		
8.1: Standardize Distance Education Student Definition	Slightly Behind	30-Nov	Continue working with various groups in selection of Distance Education definition (HLC vs IPED).		
8.2: Standardize Policy & Requirements for minimum credit for FICA exemption	Completed / Final Report Received	30-Jun	Completed, in process of reviewing / completing final report.		
9.1: Standardize Action/Reason Codes within Job Data	On Track	30-Nov	Updating training manual documentation, and then final report will be developed and sent in for review / approval.		
9.2: Standardize Policies/Procedures to record and track student immunization records	On Track	30-Nov	Presenting proposed policy edits to Academic Affairs on July 20-21. Expecting a handful of edits/readings before this is finalized.		
9.3: Standardize Internship definitions, qualifications, responsibilities, etc.	Completed / Final Report In Progress	31-Jul	Completed, in process of reviewing / completing final report.		
9.4: Enforce mandatory annual performance review check in HR System	Completed / Final Report Received	30-Jun	Completed, in process of reviewing / completing final report.		
Project Start Date	Original Baseline End Date	Current Revised End Date	% Schedule Variance	Ahead Behind	Estimated Completion Date
11/02/2015	1/31/2017	1/31/2017	1.0%	Behind	1/31/2017

## Attachment 4

Insti.	Accrual for 12 month or "fulltime" faculty	Accrual for less than fulltime faculty	Extended Illness Leave, aka Salary Continuation	Other	Pay out of 10% accrued sick leave after 10 yrs. of continuous service
BSC	Yes. Fulltime is defined as 9 month contract or more, these faculty accrue 1 day per contract month.	Halftime or more receive prorated leave (based on 1 day per contract month of fulltime)	For any faculty, Inst. is authorized to grant allowance of up to two weeks/year of service, and time beyond that may be authorized, case by case basis.	Sick leave accumulation is unlimited.	No
DCB	None	None	All faculty may receive paid leave for up to 2 weeks of absence; paid leave beyond that time will be decided on case by case basis.		No
DSU	Yes, 12 month faculty accrue 1 day per month.	Yes, 9 to less than 12 month contract faculty accrue 7 to 10 days per year.	12 month faculty may use donated leave. All benefited faculty with less than 12 mo. contracts and benefited adjuncts allowed 20 days of paid sick leave, which will be used prior to using accrued leave.	Eff. date of policy is July 1, 2011. On this date, all benefited faculty with less than 12 month contracts (but at least 9 month contracts) receive retroactively accrued sick leave of 7 to 10 days per year of service.	Yes, Policy provides this for faculty on 12 month contracts. However, practice which pre-dates written policy also paid the 10% for 12 month faculty.
LRSC	Yes, Fulltime accrue 10 days per year.	Yes, Halftime or more accrue 5 days per year.	None	Eff. date of policy is July 1, 2003. Then fulltime faculty retroactively received 8 days of accrued leave per year of service; halftime received 4 days per year of service. Sick leave accumulation is unlimited.	Yes, effective July 1, 2003.
MaSU	None	None	All faculty may receive paid leave up to 6 mths.		No, Policy expressly prohibits.
MiSU	Faculty whose primary job is research or service accrue at same rate as staff (which is 1 day per month). These faculty positions are on 12 months contracts.		Faculty whose primary job is teaching and who are on 9 month or more contract are allowed 2 weeks per year of service, with min of six weeks and max of 26 weeks available for "extended illness" which is defined as longer than 2 weeks. For absence of less than 2 weeks, "occasional and infrequent absence," teaching faculty are to make internal arrangements.		Yes, for those faculty who accrue sick leave (i.e., research/service faculty on 12 month contracts). Policy eff 2003, but practice predates written policy, and practice has been to pay the 10%.
NDSCS	Adopted NDUS HR Policy 7: fulltime faculty accrue 1 day per month.	Adopted NDUS HR Policy 7: halftime or greater accrue at pro-rated basis per month.	None	Sick leave accumulation is unlimited.	Yes, effective January 1, 2002 (NOTE: 67 current faculty have reached 10 year mark).
NDSU	12 month contract faculty accrue 1 day per month.	None	12 month faculty may use donated leave for extended absence. Two weeks per year of service allowed for less than fulltime faculty.	Sick leave accumulation is unlimited for faculty who accrue it (that being 12 month contract faculty).	Yes, eff by practice or policy since at least 1997, only for faculty on 12 month contracts.
UND	None	None	<u>For short term illness:</u> Benefited employees who are tenured, probationary or special appointment are allowed 1.5 days per month at %100 salary; <u>For long term illness:</u> Up to 5 months, paid at 75% of salary.	Sick leave does not accrue from appointment period to appointment period.	No, Policy expressly prohibits.
VCSU	None	None	Illness greater than 2 weeks: will receive up to 6 month leave, paid at 100% of salary, or at 75% of salary IF necessary to hire sub.	Sick leave does not accrue from appointment period to appointment period.	No, Policy expressly prohibits.
WSC	None	None	Paid sick leave granted if department can cover classes and if college program does not suffer because of instructor's illness and absence.		No
Actual:					
WSC	Yes, 12 month faculty accrue 1 day per month	Yes, 9 to less than 12 months contracts accrue 7 to 10 days per year.	All "benefited faculty with less than 12 month contracts and benefited adjuncts" are allowed 20 days of paid leave which will be used prior to accessing accrued leave.	All benefited faculty with less than 12 month contracts and benefited part time faculty will retroactively accrue sick leave on basis of years of service, at rate of 7 days for 9 month contract & up to 10 days for 11 mo. contract.	Yes, Policy provides this for faculty on 12 month contracts.
Draft:					
NDUS	Yes. Both broadbanded employees and those excluded by designation from broadbanding are, per language of SBHE Policy 607.0, governed by NDUS HR Policy 7, which grants to fulltime employees one day per month.	Yes. Per same policies as explained to left, less than fulltime but at least halftime are granted pro-rated sick leave accrual.	None (but noted that employees may receive donated leave to assist with being on extended sick leave with pay).	Sick leave accumulation is unlimited.	Yes

## **VCSU Sick Leave Policy for Faculty (includes coaches)**

SBHE Policy 607.4, directs campuses to adopt policies governing paid sick or dependent leave for faculty. VCSU policy V607.04 provides for short-term and long-term sick and dependent leave for faculty.

For the purposes of this policy, "Faculty" refers to benefited employees who are tenured, probationary tenure-track, or on special appointment. This includes athletic coaches. A "day" is defined as any business day in which the faculty member has academic obligations, to include class sessions, office hours, or other regularly scheduled university commitments which must be either cancelled or rescheduled. A "week" equals five of these days.

Sick leave does not accumulate from appointment period to appointment period and has no cash value upon the employee's separation from the institution.

### **Short-term Leave:**

When a faculty member becomes briefly incapacitated due to a short-term illness or other short-term circumstance, he/she must make reasonable efforts to ensure that his/her work responsibilities are covered and must inform his/her supervisor. The supervisor is responsible for informing the VPAA office of any absence extending beyond three days; leave extending beyond three days may also require documentation (at the request of the supervisor or VPAA).

Absences should be reported if they involve missing a class, faculty or committee meeting, or any other university-based obligation, even if rescheduled or covered by someone else.

Coaches in this situation should follow the same process with the Athletic Director; those with teaching duties must report to both the Athletic Director and the VPAA.

When the faculty member returns to work, documentation of the absence must be reported to the VPAA, using for AA-3 (Report of Faculty Absence).

### **Long-Term Leave**

Faculty who must be absent for an extended period should discuss their needs for long-term leave with their department/division chair and the VPAA as early as possible, and assist the chair in assuring continuity of instruction, good communication, and coverage of all faculty obligations.

Long-Term Leave is covered under the following policies:

- Developmental Leave, V701.02
- Leave without Pay, V701.01
- Sick and Dependent Leave, V607.04

**Attachment 4**

The sections below describe four types of long-term medical leave available to faculty: long-term sick leave, disability leave, dependent leave, and family leave.

**Long-Term Sick Leave**

If inability to meet classes or fulfill other university obligations extends beyond two weeks, a faculty member who is sick or disabled may request long-term sick leave.

The faculty member's department, in discussion with the Vice President for Academic Affairs, is responsible for making arrangements to cover the work responsibilities of the faculty.

The faculty member shall submit a memorandum requesting long-term sick leave to the Vice President for Academic Affairs, which shall be accompanied both by medical documentation and by verification from the Division Chair regarding appropriate planning to cover workload. Medical documentation to verify a serious health condition should include the date of commencement and probable duration of illness.

If granted and it is necessary to hire replacement faculty, long-term sick leave will be paid at the rate of 75 percent of the applicant's regular base salary, including benefits, for a period of up to six months (until the faculty member is eligible for the start of disability leave-see section below), or until the end of the contract term. If medical documentation is not sufficient to grant long-term leave, then the faculty member's pay may be reduced commensurate with workload.

If a second or subsequent request for long-term sick leave occurs within five years from the end of the most recent long-term sick leave, the President will provide final authorization.

One month prior to the start of the term following the period granted for sick leave, the faculty member must notify the VPAA and Division Chair of intent to return to work. Faculty granted long term sick leave must provide medical verification that they are fit to return to work; if special appointments have been made to cover work responsibilities, the faculty member may not return to work earlier than the contract designations of the special appointment. Faculty who do not declare an intent to return to work at least one month prior to the start of term following the period granted for sick leave and provide medical verification that they are fit to do so will be terminated.

Coaches requiring long term sick leave should follow the same process with the Athletic Director; those with teaching duties must report to both the Athletic Director and the VPAA.

Appeals of administrative decisions made under this policy should be directed to the Standing Committee on Faculty Rights.

**Disability Leave**

A faculty member who cannot return to work after taking long-term sick leave may be eligible for disability benefits under the institution's TIAA-CREF disability insurance. The faculty member should contact the VCSU Human Resource Director to determine eligibility. Faculty are encouraged to start



**Attachment 4**

the application process for these benefits in the fourth month of long term sick leave, in order to maintain consistent coverage.

**Dependent Leave**

Paid dependent leave is not offered on a long-term basis. Faculty may use short-term leave (described above) to accommodate dependent care requiring brief absences of a day or two. Absences required for long-term care of a dependent (as defined in Family Leave, below: "...for the birth, adoption, or foster placement of a child; or for the serious health condition of the employee, the employee's parent, child, or spouse") must be negotiated with the department/division chair and the VPAA, and must provide for continuity of instruction without additional cost to the University, for regular communication with supervisors and students, and for coverage for other University commitments. Absences which cannot be managed in this way must be covered using Family Leave.

**Family Leave**

Faculty members are entitled to family leave in accordance with NDUS Policy 607.4 and the Family and Medical Leave Act of 1993. Family leave is defined in NDUS Policy 607.4 as "an unpaid leave of absence for the birth, adoption, or foster placement of a child; or for the serious health condition of the employee, the employee's parent, child, or spouse."

Employees utilizing family leave will be provided health benefits at the same level and coverage as if the employee had not taken leave.

In order to maintain continuity of instruction, faculty may be required to take family leave in combination with leave without pay (V701.01) to allow special appointment faculty to complete semester contracts.

**Procedure:** The process of obtaining family leave generally begins with a letter or conversation with the relevant Division Chair and the Vice President for Academic Affairs or Athletic Director. FMLA application materials and information are available from the Human Resources Office.

Sponsor: Faculty Senate

Effective: May 17, 2011

Whereas: The North Dakota State University Faculty Senate recognizes the role and responsibilities of the State Board of Higher Education and the North Dakota University System and its leadership,

Whereas: To continue to pursue its mission, NDSU requires steady administrative leadership based on shared governance, especially during the current critical financial challenge NDSU has and will face in the next biennium.

Whereas: NDUS stakeholders should not be at odds with each other in a time of crisis and severe budget cuts affecting NDUS institutions when that conflict is not only unnecessary but severely damaging to the interests and integrity of the many and various innocent stakeholders involved.

Resolved: The Faculty at North Dakota State University fully endorses the following:

1. The extension of President Bresciani's contract, and
2. The collaborative improvement of stakeholder relationships to improve efficiency, respect, and justice for all stakeholders.

Good afternoon Faculty Senate Leadership,

We are currently seeking sponsors to share in a collaborate movement to expose students, staff, and faculty to a day of wonderful speakers and leadership development. [The Live2Lead conference is scheduled for November 30 in the MU Ballroom.](#) Last year many staff and faculty from across campus attended this professional development event.

The cost of hosting the program is \$3,495. If staff senate is interested in contributing financially and serve as a sponsor for this awesome program, please let us know. Every dollar amount helps. You will be recognized during the event as a sponsor and a member of staff senate will have the chance to share with the attendees why it was important to help support this event.

At this point we are looking at November 30 with an 8:30am start time and ending by 11:00am. After each speaker, the plan would be to have a reflective discussion/activity centered around the speakers topic. I will be getting a committee meeting together in the next two weeks. The committee will be determining more of the details regarding what the day will consist of. I am hopeful that Faculty Senate considers this opportunity and appoints someone to be part of the committee.

**Live2Lead is a leadership experience for all students, staff, and faculty.** Live2Lead will feature John Maxwell, a leadership expert, best-selling author and coach. He will explain how you can live your life with intention. He will tell participants how to:

- Learn how to discover your purpose in life
- Learn the difference between good intentions and intentional living
- Identify the one thing that adds the most value to your life
- Learn and live the four steps to significance
- Learn how to live daily with the end in mind

Additional Live2Lead featured presenters include Simon Sinek, Liz Wiseman, and Dan Cathy

Click here to learn more: <http://l2l.johnmaxwell.com/speakers>

**Live2Lead** is a leader development experience designed to give participants: – New perspectives – Practical tools – Key takeaways.

When participants leave this program they will be excited to lead and live with renewed passion and commitment. The event is for every student, staff member, or faculty member, from experienced leaders to those who want to change their attitude and outlook. As leadership expert John Maxwell says, "Leadership is influence; nothing more, nothing less."

If you have any questions please contact [matthew.skoy@ndsu.edu](mailto:matthew.skoy@ndsu.edu).

-Matt

Matthew Skoy  
Associate Director for Student Activities  
Memorial Union  
**NORTH DAKOTA STATE UNIVERSITY**

Dept. 5340, [PO Box 6050 / Fargo, ND 58108-6050](#)  
phone: 701-231-7799 / fax: 701-231-7866  
[www.ndsu.edu](http://www.ndsu.edu)

## Attachment 7

### Article III: Senate Committees

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

Section 2. The Faculty Senate shall confirm the membership of all standing committees, except the Standing Committee on Faculty Rights.

Section 3. Committees shall determine their own procedural rules. However, no committee shall conduct business without a majority of members present. Each committee will keep such records as necessary to conduct business. In addition, every Faculty Senate Committee (except Academic Integrity, Conflict of Interest Advisory, Executive, Faculty Rights, and Grade Appeals) will make an oral report of progress (5 minutes) at the May meeting of the Faculty Senate or, at the President of the Faculty Senate's request, submit a written report at the end of the academic year.

Section 4. Individual representation units will determine their own methods for selecting members of standing committees consistent with Articles IV and V. Unit representatives shall be faculty members as defined by the Faculty Senate's Constitution, unless otherwise specified under the committee description. Such membership shall be presented to the Faculty Senate at the first meeting of each academic year. Committee members will serve two-year terms for at most four consecutive years, unless otherwise specified under the committee description. Committee service begins and ends at the last senate meeting of spring semester, unless otherwise specified.

### Section 11. Program Review

1. Membership shall consist of one tenured faculty member from each representation unit, a faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean, a faculty representative of the Provost's Office designated by the Provost, and two students selected by the Student Government. Each representation unit shall also select an alternate faculty member to serve in case of recusal.

2. Each representation unit's member term shall be four years, with a maximum of two consecutive terms.

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

## 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](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

### SECTION: **152 – External Professional Activities**

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

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

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

- Research and Consulting Committee – April 20<sup>th</sup>, 2016
- [chad.ulven@nds.edu](mailto:chad.ulven@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 5/16/16

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.policy.manual@nds.edu](mailto: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!

## North Dakota State University Policy Manual

### SECTION 152

#### EXTERNAL PROFESSIONAL ACTIVITIES

SOURCE: NDSU President  
NDSU Faculty Senate

##### 1. INTENT

- 1.1 North Dakota State University, ~~within stated guidelines,~~ encourages its employees to participate in professional activities ~~providing information, advice, or services to those outside of the University~~ as a means of ~~gaining additional professional experience and maintaining professional competency within their specialized disciplines.~~ These activities may include providing advice, information, or services to people and organizations outside the University system. Such Participation-participation in external professional activities is expected to contribute to the overall mission of the University.
- 1.2 ~~Acceptance of full time employment at NDSU carries a commitment to the University that is understood to be full time in the most inclusive sense. Full-time faculty and staff ("Employees") are expected to devote themselves to meeting their -administrative, instructional, research, and services duties to the University, their primary loyalty and energy toward meeting their instructional, research, service, and administrative duties. External activities and financial interests must not interfere with the expected primacy of these commitments, nor present a conflict-of-interest to the University, nor create a public relations problem for the University. Employees must disclose and, if appropriate, obtain approval prior to accepting outside appointments, consulting with the private sector, forming their own business, or otherwise diverting their attention from university duties. Prior to accepting appointments, engaging in a business, or otherwise diverting their attention from university duties, employees must make disclosure of the activity and, if appropriate, obtain approval.~~
- 1.3 University approval of Approval to participate in external professional activities by employees does not mean the University endorses a particular product or service. The -does not permit use of the University's name should not be placed in any announcement, advertisement, publication, or report to if it imply such applies University endorsement of a product or service. The endorsement. The University does not assume any responsibility for the external professional activities of its employees, professional services rendered during an external professional activity.

##### 2. CONSULTING PROFESSIONAL SERVICE WITHOUT REMUNERATION

- 2.1 Consulting is generally defined as professional activity related to a person's field or discipline. Employees of NDSU are often asked to participate in professional, discipline-related activities, such as officers of national organizations, journal editors, editorial boards, etc. Such participation is viewed as desirable, and University approval to engage in these activities is necessary only if substantial use of University facilities or resources will be needed for support of these activities involving a fee-for-service or equivalent relationship with a third party. Typically, this third party is not part of the University system. University employees may act as consultants and provide expertise for compensation to private

companies, nonprofits, governmental agencies, or individuals. Employees must adhere to the following policies when engaged in consulting activities. However, time spent on consulting activities outside of an employee's contract period is not governed by the following policies.

2.1.1 Employees need prior approval from the University before acting as consultants. University faculty need the approval of their chair, dean, and Provost. Those faculty with a major Experimental Station or Extension Service appointment also need approval of: 1) the appropriate Director and the Vice President for Agriculture and 2) University Extension. Employees with full-time Agricultural Experiment Station positions (e.g., branch stations) or full-time off-campus Extension appointments need approval from: 1) the appropriate Director and Vice President for Agriculture and 2) University Extension. University staff need the approval of the appropriate Vice President. Vice Presidents and members of the President's staff require the approval of the President. Decisions for such approval will depend upon the nature of the consultation, the employee's responsibility to the University, and the conditions of employment. Approval may be granted for up to one year. Approval must be renewed annually.

2.1.1.1 Any consulting agreement which attempts to assign ownership rights in intellectual property or provides that the ownership rights will belong to a third party and which arise in an area related to the employee's academic discipline or work at the University must be submitted for review and approval by the University (See Policy 190). The reason is to protect the interests of the University in any employee invention or other discovery. Unless otherwise expressly authorized, employees have no authority to assign any ownership rights in any invention or discovery which may arise or relate to their work at University or the use of any University property or equipment.

2.1.2 The consulting activity must not interfere with normal duties or activities.

2.1.3 -The consulting activity must not represent an actual or potential conflict of interest.

2.1.3.1 -Any actual or potential conflict of interest must be resolved before an employee can engage in consulting.

2.1.4. -The consulting activity must not compete directly with University-sponsored services.

2.1.5. -The time limit on the consulting activity is limited to the equivalent of one work-day per week during the contract period at the University.

2.1.6. -Employees must keep a record of their time spent consulting.

2.1.6.1 -Time spent on consulting include travel time, office visits, correspondences, telephone calls.

2.1.6.2 -Time spent consulting outside the regular work week is not counted as part of consulting time. However, any consulting done outside the regular work week is still considered- consulting by the University.

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Consequently, the University's policies and procedures for discourses and approval still apply.

- 2.1.6.3 -Special approval is necessary for consulting activity that requires an absence from campus  
-longer than 10 consecutive working days during the contract period at the University.

2.1.7.-Employees engaging in consulting do not represent the University. They cannot invoke the name and authority of the University as part of their services. Nor can reports be printed upon the University stationary.

2.1.8. -Travel Authorization forms must be filed as necessary.

2.1.9 -Approval must be obtained in advance for the use of University facilities and resources.  
There may be a fee involved in the use of such facilities and resources. Proof of professional liability insurance coverage may also be required.

2.2 -Any grievances regarding this policy or its implementation shall follow the appropriate grievance procedures (for faculty, policy 353; for staff, policy 230).

2.3 Approval for consulting can be revoked if unanticipated problems arise. Revocation of approval can be appealed in the same manner as a denial.

2.4 Failure to follow consulting policy will be reported to the Provost, who will impose appropriate sanctions. es-

### 3. ~~EXPERT TESTIMONY~~ PROFESSIONAL SERVICE WITHOUT RENUMERATION

3.1 Faculty and staff serve their professions through a variety of unpaid, discipline-related positions, including officer of a national or regional organization, journal editor, member of editorial board, and so forth. Such positions are not considered consulting. Because of their unique expertise, faculty or staff may be asked to serve as expert witnesses in a court of law. Because of the nature of the legal process, such activity may place the University employee in an unintentional adversarial position.

3.2 Therefore, University employees are encouraged to appear as "juris amici" (friend of the court) instead of as expert witnesses representing one party. If a University employee serves as an expert witness for compensation, the University Consulting Form must be completed and approved, and the consulting guidelines apply.

### 4. ~~PROFESSIONAL SERVICE WITH REMUNERATION (HONORARIA)~~EXPERT TESTIMONY

4.1. -Because of their unique expertise, faculty or staff may be asked to serve as expert witnesses in a court of law. Because of the nature of the legal process, such activity may place the University employee in an unintentional adversarial position.

4.2. -University employees are encouraged to appear as "juris amici" (friend-of-the-court) instead of as expert witnesses representing one party.

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4.3 Faculty and staff acting as expert witness before a court of law is considered a form of consulting when they are paid for their expertise by an interested party before the court. Consequently, the consulting guidelines apply. Faculty and staff receiving payment as an expert witness must complete the University Consulting Form and submitted for approval to their Chair, Dean, and Provost.

4.1 University employees are encouraged to provide public service by making presentations to various groups and organizations or serving on proposal review committees. Often the employee may be given an honorarium in appreciation of such service.

4.2 An honorarium is defined as a monetary gift which is meant to express appreciation or honor to the recipient which is not covered under the consulting policies.

4.3 Employees can accept honoraria from non-NDSU or non-State (North Dakota) related entities. Unless the consulting policy applies, employees shall regard the services for other departments within the University or for other state agencies or entities for which they might receive honoraria as part of their public service obligation and refuse or return such honoraria.

#### 4.5. PROFESSIONAL SERVICE WITH REMUNERATION (CONSULTING) OUTSIDE TEACHING

5.1 Teaching a course or teaching a substantial portion Employees of NDSU are often requested to provide professional expertise as consultants to private agencies, governmental (state and national) agencies, industries, or individuals for which they receive remuneration or retainer fees. In general, the following policies must be followed when participating in consulting activities. For purposes of this policy, teaching a course or teaching a substantial portion of a course for another educational institution or other business or organization shall be treated as consulting and governed by this policy. This policy applies to both teaching in person or by means of an electronic communication. of a course for payment for another educational institution, private companies, nonprofits, governmental agencies, or individuals is considered a form of consulting. University policy applies whether such teaching is done in person or via electronic communication.

5.1.7 Travel Authorization forms must be filed as necessary.

5.1.8 Special approval must be obtained in advance for the use of University facilities and resources which may require payment of a reasonable fee, and the individual is responsible for payment of these fees. If University facilities or equipment is used, proof of professional liability insurance coverage for consulting activities may be required.

5.2 Grievances for matters involving this policy shall follow the appropriate grievance procedure (faculty, policy 353; staff, policy 230).

5.3 Approval for consulting or other external activities may be revoked if unforeseen problems occur after the initial approval. The revocation of approval may be appealed in the same manner as a denial.

5.4 Failure to follow this policy will be reported to the President who may impose sanctions that are appropriate to the seriousness of the violation.

#### 6. RESPONSIBILITIES PROFESSIONAL SERVICE WITH REMUNERATION (HONORARIA)

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6.1. University employees can serve the public by making presentations on their area of expertise before governmental, nonprofit, and private organizations. Employees may receive an honorarium from an organization in appreciation of such service.

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6.1 Individual

- 6.1.1 obtain prior approval, completing Consulting Authorization Request form prior to initiation of consulting activity;
- 6.1.2 ensure that activity does not conflict with primary responsibilities;
- 6.1.3 ensure activity does not pose an actual or potential conflict of interest;
- 6.1.4 maintain appropriate records of consulting activities;
- 6.1.5 do not use College or University endorsement;
- 6.1.6 secure advance approval to use University equipment, and make any necessary payments;

6.2 -An honorarium is defined a one-time monetary gift meant to express appreciation to the recipient for a particular service. Such gifts are not considered consulting.

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6.2 Department Chair, Director

- 6.2.1 evaluate all requests for interference with normal duties or conflicts of interest;
- 6.2.2 identify and resolve any actual or potential conflicts of interest;
- 6.2.3 review requests to determine that they meet policies of University;
- 6.2.4 forward recommendation to Dean;
- 6.2.5 ensure activities are reviewed annually.

6.3 Dean, Director

- 6.3.1 review recommendation from Chair;
- 6.3.2 review any special circumstances;
- 6.3.3 forward recommendation to the appropriate Vice President.

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7. -RESPONSIBILITIES

7.1 Employee

7.1.1 obtain prior approval, complete Consultant Authorization Request form prior to engaging in consultation activity;

- 7.1.2 ensure activity does not conflict with primary responsibilities;
- 7.1.3 ensure activity does not pose an actual or potential conflict-of-interest;
- 7.1.4 maintain appropriate records of consulting activities;
- 7.1.5 do not use College or University endorsement;
- 7.1.6 secure advance approval to use University equipment or facilities, and make any necessary payments for use of that equipment or facilities.

7.2 Department Chair/ Head, Director

- 7.2.1 evaluate all requests in terms of interference with normal duties
- 7.2.2 identify and resolve any actual or potential conflicts-of-interest;
- 7.2.3 determine that the request meets University policies;
- 7.2.4 forward recommendation to Dean;
- 7.2.5 ensure activities are reviewed annually.

7.3 Dean, Director

- 7.3.1 review recommendation from Department Chair/ Head or Director
- 7.3.2 review any special circumstances;
- 7.3.3 forward recommendation to the Provost.

7.4 Provost

- 7.4.1 review recommendations from Department Chair/Head or Director, and Dean, Director.
- 7.4.2 responsible for final decision.

HISTORY:

New	September 1995
Amended	November 1997
Amended	February 1998
Amended	September, 1995
Amended	October 2000
Amended	October 2003
Amended	October 2007
Amended	January 2008
Housekeeping	February 14, 2011
Amended	November 29, 2015

## Policy Change Cover Sheet

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



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

**SECTION:** Policy 155 Alcohol and other drugs: unlawful and unauthorized use by students and employees

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

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

Section 1: campus and surrounding communities; provides greater clarity for intended population included this policy; sexual assault victimization; removes language to be consistent with Sexual Assault Prevention and Advocacy program

Section 2: alcoholic beverages and products (hereafter referred to as "alcohol"); updated to include products containing alcohol for the purpose of human consumption that may not be considered beverages (e.g. powdered alcohol or alcohol-infused foods).

Section 3: may refer students...may also refer NDSU employees...; distinguishes the different referral process and available resources for students and University employees.

Section 4.1 – 4.2: updates to terms for consistency within policy document

Section 4.3: Acceptable low-risk use of alcohol may vary...Prevention Program website; Additional reference added for operationalizing term "low-risk use."

Section 4.4: Moved to new paragraph (previously in subsection 4.3) for improved clarity.

Section 4.5 – 4.8: updates to terms for consistency within policy document

Section 4.9: NDSU student media as governed by the Board of Student Media) is not subject...; updates name and structure of oversight board for NDSU student media outlets.

Section 4.11: Though alcohol consumption...any use of marijuana on campus property or at University sponsored or hosted events is strictly prohibited; New subsection addresses concerns related to the illegal use of illicit drugs and/or otherwise legal substances, with particular reference to marijuana due to the ever-changing legal and cultural climate surrounding its use.

Section 5.1.1: No action (if alleged conflicts prove to be unfounded); removes phrase to be consistent with previous paragraph (section 5.1) which indicates proof of alleged conduct is determined.

Section 5.1.1: Good Samaritan: All students...protection under this policy. Update needed to be consistent with Student Code of Conduct handbook.

Section 5.2: It is important that faculty and staff supervisors...; update clarifies differing reporting lines between Faculty and Staff supervisors for notifying the University of employee Federal Drug-free workplace violations.

Section 5.2 – 5.2.2: Includes term updates for consistency within policy document

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

- Policy Task Force, President's Council on Alcohol and Other Drugs /Nicklaus Redenius date submitted 04/22/2016
- [nicklaus.redenius@ndsu.edu](mailto:nicklaus.redenius@ndsu.edu)

*This portion will be completed by Mary Asheim.*

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:** 5/16/16

**Faculty Senate:**

**Staff Senate:**

**Student Government:**

**President's Cabinet:**

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## North Dakota State University Policy Manual

### SECTION 155

#### ALCOHOL AND OTHER DRUGS: UNLAWFUL AND UNAUTHORIZED USE BY STUDENTS AND EMPLOYEES

SOURCE: NDSU President  
SBHE Policy Manual, Section 918

1. NDSU complies with and supports the North Dakota State Board of Higher Education policy governing alcohol use on campus, the [Drug Free Workplace Act of 1988](#), Public law 100-690 and the [Drug-Free Schools and Communities Act Amendments of 1989](#), Public Law 101-226, and [2 CFR § 182.215](#).

North Dakota State University has a genuine caring concern for the community in which it lives and for its people. For this reason, the university is committed to maintaining an academic and social environment that is conducive to the intellectual and personal development and the safety and welfare of all members of the university community.

This policy statement has been established because NDSU:

- is committed to changing the culture that perpetuates the misuse and abuse of alcohol and other drugs;
- is concerned with promoting the well-being of our ~~community~~[campus and surrounding communities, including visitors to campus](#);
- believes that the solution to alcohol and other drug misuse and abuse will require a community-~~wide solution~~[approach](#).

The misuse and abuse of alcohol and other drugs represents a major health problem in the United States today and poses a serious threat to the health and welfare of the NDSU community. In addition, alcohol and other drug abuse consequences can limit career choices and achievement. NDSU has gathered data that demonstrates that high-risk drinking among students is significantly associated with violence, memory loss, driving under the influence (DUI), sexual assault-~~victimization~~, lessening of academic performance, estrangement of social relationships and property damage. Studies outside the university show that alcohol misuse can result in serious bodily injury, illness, or death. This policy applies to all NDSU students and employees, as well as visitors to campus.

2. The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land or in buildings owned by the Board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences, fraternities and sororities (in certain circumstances), the President's residence, and other special exceptions as granted by the President or the President's designee. For the complete State Board of Higher Education policy see [SBHE Policy 918: Alcoholic Beverages](#).

The University prohibits the *unlawful or unauthorized* use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and ~~products (hereafter referred to as "alcohol")~~, [as well as](#) any illicit drugs or drug paraphernalia in University buildings, any public campus area, in

University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations (including all fraternities and sororities).

For NDSU employees, non-compliance with this policy could result in disciplinary action up to and including termination of employment (see section 5.2).

For NDSU students and student organizations, non-compliance with this policy could result in disciplinary action up to and including suspension, expulsion or loss of status as a registered student organization (see section 5.1).

3. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students to the NDSU Counseling Center (701-231-7671), or to agencies outside of NDSU for evaluations and/or treatment for alcohol- or other drug-related problems. and NDSU personnel may also refer NDSU employees to the NDSU Counseling Center or to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the [Employee Assistance Program](#). Employees may refer students in need of services to the Counseling Center at (701) 231-7671. Faculty, staff, and students can access information on available drug and alcohol prevention programs the university offers by going to the [Alcohol and Other Drug Prevention Programs website](#).

3.1 Organizations are required, by Federal Regulation ([2 CFR § 182.215](#)), to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of drug abuse in the workplace. Information on the health risks of [alcohol abuse](#) and [drug abuse](#) can be found at the U.S. National Library of Medicine and the National Institute for Health. Additional information can be found at the [Alcohol and Other Drug Prevention Programs website](#).

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

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

4.2 Sale of ~~alcoholic beverages~~ by students, employees and their respective campus organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sales such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.

4.3 Off-campus activity conducted by students and employees, and their respective campus organizations shall not encourage excessive and/or rapid consumption of ~~alcoholic beverages~~. The use of alcohol at any such events is expected to be lawful and low risk. Acceptable low-risk use of alcohol may vary due to certain individual considerations. For further information about low-risk alcohol consumption, see the Alcohol and Other Drug Abuse Prevention Program website.

4.3.4 Registered student organizations planning off campus events at which alcohol may be available must complete and file with the Student Activities Office the [NDSU Event Risk Management Planning Notification Form](#). When planning an off-campus work related event where

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alcohol will be present, employees with questions about low-risk guidelines should contact the [Director of Human Resources/Payroll, SGC Building](#).

~~4.4.5~~ University sponsored events that are held at locations off campus, and at which alcohol may be present, are required to adhere to this policy. In addition, if alcohol will be served at the event, the sponsor(s) of the event should ensure compliance with N.D.C.C. [§ 5-02-06\(4\)](#) regarding individuals under twenty-one years of age at events where alcohol is served. Sponsors need to be aware of both potential civil and criminal liability for knowingly serving alcohol to minors or obviously intoxicated persons (N.D.C.C. [§ 5-01-06.1](#), [§ 5-01-09](#)). Oversight of the distribution and consumption of alcohol is required at such events in order to manage risk. If the event is to be held on public grounds, e.g., Fargo parks, the sponsor(s) of the event is/are required to obtain the appropriate permit for the event per [N.D.C.C. § 5-02-01.1\(2\)](#). See, for example, the [Park District of the City of Fargo Alcoholic Beverage Policy](#).

~~4.5.6~~ ~~Alcoholic beverages~~ shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective campus organizations, on or off- campus.

~~4.6.7~~ The public display of advertising or promotion of the use of ~~alcoholic beverages~~ in University buildings or any other public campus area including all University owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, and large inflatable advertising, etc. (Entities that lease commercial or research property from the university may be excluded. However, the University may, in these leases, include provisions that will assist in its effort to promote legal and safe use of alcohol and to change the culture that perpetuates alcohol and other drug misuse and abuse.)

4.8 Alcohol promotional activities including advertising shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off-campus. This includes, but is not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising.

4.9 Advertising of alcohol shall not appear in University controlled or affiliated publications (including University affiliated web sites). Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.\*

\*Student Media (Bison Information Network, the Spectrum, Thunder Radio)  
NDSU student media (as governed by the Board of Student Media) is not subject to the advertising portion of this university policy due to first amendment provisions of the US Constitution and State Board of Higher Education Policy 507. Student media organizations are accountable to the Board of Student Media for standards of conduct. Because of the belief that advertising perpetuates the culture of high-risk and underage drinking, the established boards of NDSU Student Media may, if they choose to accept revenue for advertising alcohol, decide to adopt guidelines compatible with this policy. Student Media organizations shall comply with all federal laws relating to advertising of alcohol or other drugs.

- a) Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for one, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.
- b) Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic

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- c) Advertising of establishments that sell alcohol shall not associate consumption of alcohol with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.
- d) Advertising of establishments that sell alcohol shall include a statement of low-risk such as "know when to say when" or "please use our products legally and in a responsible manner".

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

4.74.11 Though alcohol consumption is legal for individuals over 21 years of age, and the most commonly used drug by young adults, the focus of this policy is not limited to alcohol. The misuse of illicit and/or otherwise legal prescription drugs poses a significant threat to student well-being and undermines the student-focused goals of the University. The use of marijuana, including recreational and medicinal uses, is strictly prohibited under Federal law. As such, any use of marijuana on campus property or at University sponsored or hosted events is strictly prohibited.

4.8—Advertising of alcoholic beverages shall not appear in University controlled or affiliated publications (including University affiliated web sites). Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.\*

\*Student Media (Bison Information Network, the Spectrum, Thunder Radio) NDSU student media (as governed by the Media Advisory Board (MAB)) is not subject to the advertising portion of this university policy due to first amendment provisions of the US Constitution and State Board of Higher Education Policy 507. Student media organizations are accountable to their established boards (MAB-Bison Information Network; Board of Student Publications Spectrum, MAB-Thunder Radio) for standards of conduct. Because of the belief that advertising perpetuates the culture of high risk and underage drinking, the established boards of NDSU Student Media may, if they choose to accept advertising for alcoholic beverages, decide to adopt guidelines compatible with this policy. Student Media organizations shall comply with all federal laws relating to advertising of alcohol or other drugs.

- a) ~~Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for one, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.~~
- b) ~~Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.~~
- e) ~~Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.~~
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~~as "know when to say when" or "please use our products legally and in a responsible manner".~~

~~4.9 Unless otherwise authorized by the President of the University, the use of alcoholic beverages during all events held on the NDSU campus is strictly forbidden (including concerts, theatrical performances, athletics events, workshops, etc.).~~

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

5.1 Sanctions-Students and Student Organizations: Individual students and student organizations (including fraternities, sororities, residence hall associations and registered student organizations) who are found in violation of the University policy on alcohol and other drugs are subject to one or more of the following sanctions, dependent upon the severity of the violation and the existence or absence of prior alcohol or other drug violations: (For a more complete description of these sanctions and terms and conditions see [Code of Student Conduct](#).)

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

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

- a. Warning (oral or written).
- b. Conduct probation (with or without supervision).
- c. Suspension.
- d. Emergency suspension.
- e. Expulsion.

- 5.1.3 With each sanction, other restorative actions or other terms and conditions may be assigned. In addition, notification may be given to other university officials as necessary. Terms and conditions include, but are not limited to:
- a. Restitution.
  - b. Confiscation.
  - c. Restricted access to University facilities/removal from Residence Halls.
  - d. Loss of privileges (including status as a registered student organization).
  - e. Required participation in a specific program (i.e., counseling, drug and/or alcohol education).
  - f. Educational sanction/project (i.e., reflection paper or research).
  - g. Registration/Graduation Hold.

*NOTE: These sanctions and terms and conditions need not necessarily be applied in any numerical sequence. Any sanction may be chosen from this list for any violation, dependent upon its severity, and the behavioral history of the involved student(s) or student organization.*

Individual student behavioral actions and or student organization behavioral actions will be adjudicated as assigned by the Assistant Vice President/Dean of Student Life or designee.

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*Good Samaritan:*

~~Students and student hosts have the responsibility to ensure the well-being of their guests wherever events occur. If an individual or guest needs emergency medical attention, students and student hosts are required to call an ambulance or other appropriate emergency personnel (ambulance, police, fire, etc.) to gain that assistance. Students and student hosts who fail to carry out this responsibility may be subject to serious university sanctions and may be potentially subject to additional civil and/or criminal liability. Students and student hosts who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose.~~  
All students are expected to protect the well-being of fellow students and others wherever events occur. If a person needs emergency medical attention, particularly results from the use of alcohol or other drugs, students are expected to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Students/student organizations who fail to respond appropriately may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability.

Students who appropriately report will not be subject to the Student Conduct process for charges related to alcohol or drug use, nor will the incident become part of the student's conduct record. However, all students [including the student(s) needing assistance and reporter(s)] may be required to have an educational meeting with university personnel. This protection may not apply if other conduct violations occurred within the same incident. This protection will only apply once in a two year period. Subsequent incidents will not be eligible for protection under this policy. See [Code of Student Conduct](#).

*Parental Notification:*

Parents or guardians of students under 21 may be contacted by an NDSU student affairs administrator following alcohol and/or other drug related incidents:

- If a student is found responsible for violating the University's alcohol/drug policy that results in a University referral for assessments or evaluations for chemical dependency, and/or when University judicial sanctions of Conduct Probation or greater are assigned.
- Based on situations that appear to endanger the health, safety, or life of other persons or the student.
- If an individual is involved in incidents that resulted in significant property damage.
- If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol or other drugs.

See [Student Life](#) website for the full policy and rationale.

*Financial Aid Eligibility:*

A federal or state drug conviction can disqualify a student from receiving federal financial aid funds. The conviction must have occurred during a period of enrollment for which the student was receiving Title IV aid (i.e., Federal Pell Grant, Federal Perkins Loan, Federal Direct Loan, etc.). Depending on whether the conviction was for sale or possession and if the student has previous offenses, the period of ineligibility can range from one year to an indefinite period. The student regains eligibility the day after the period of ineligibility ends or when the student

successfully completes a qualified drug rehabilitation program as defined in the [Higher Education Opportunity Act of 2008, § 485\(a\)\(7\)\(c\) and \(a\)\(9\)](#).

## 5.2 Notice and Sanctions - Employees

Individual employees who are found in violation of the University policy on alcohol and other drugs by their supervisors will be reported to the Director of Human Resources/Payroll for consultation prior to action. For potential actions see 5.2.1 and 5.2.2.

Any employee arrested under circumstances involving an alleged violation of a criminal drug or alcohol-~~beverage~~-related statute while in his or her workplace, whether on or off campus; in a University vehicle; or as part of any activity the University initiates or takes part in must notify his or her immediate supervisor within five days of the arrest. An arrest and/or failure to report an arrest, depending on the circumstances may be grounds for actions or sanctions. The status of the criminal proceeding is a factor the supervisor may take into consideration. It is important that ~~the faculty and staff~~ supervisors seek advice from the appropriate, designated University contact. Staff supervisors should contact the Human Resources/Payroll Director, ~~and Faculty supervisors should contact~~ the Office of the Provost, before taking action in arrest situations.

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

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

- 5.2.1 Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;
- 5.2.2 Disciplinary action for a violation of university alcohol or drug policy up to and including termination of employment. Disciplinary action may include one or more of the following:
  - a. Warning/reprimand;
  - b. Ineligibility to receive the next available annual salary increase;
  - c. Suspension without pay for up to 5 days;
  - d. Termination of employment; or
  - e. Any combination of the above sanctions.

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

### Work attendance while under the influence:

Unlawful consumption of alcohol ~~beverages~~ or use of illegal drugs, being at work while under

the influence of alcohol or drugs, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of the NDUS are prohibited. See [Policy 151 Code of Conduct](#) (for employees).

*Local, State and Federal Laws:*  
In compliance with the [Drug-Free Schools and Communities Act Amendments of 1989](#) a summary of local, state and federal laws related to alcohol and other drugs can be found at the [Alcohol and Other Drug Prevention Programs website](#).

A paper copy of this policy is available from the [Human Resources/Payroll Office](#) (for employees) and ~~Bison Connection~~[Bison Connection](#)~~One Stop~~ (for students).

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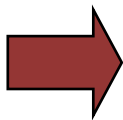
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HISTORY:

New	March 18, 1989
Amended	December 1992
Amended	October 1999
Amended	April 2003
Amended	October 2003
Amended	January 2004
(renumbered) Amended	April 2010
Amended	March 25, 2011
Housekeeping	August 18, 2011
Housekeeping	May 22, 2012
Housekeeping	June 12, 2013
Housekeeping	August 27, 2013
Housekeeping	September 2015

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### SECTION:

### SECTION 325, ACADEMIC FREEDOM

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: *Reorganization and clarification of the General Principles, Faculty, Students and Gest Presenters sections of Policy 325.*
2. This policy change was originated by (individual, office or committee/organization):
  - *Faculty Senate Ad Hoc Committee to revise Policy 325, Academic Freedom, submitted 28 April, 2016*
  - Email address of the person who should be contacted with revisions: [dennis.cooley@nds.edu](mailto:dennis.cooley@nds.edu) or [kent.rodgers@nds.edu](mailto:kent.rodgers@nds.edu)

*This portion will be completed by Mary Asheim.*

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

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# North Dakota State University

## Policy Manual

Policy 325, V1, 04/28/2016

### SECTION 325

#### ACADEMIC FREEDOM

SOURCE: SBHE Policy Manual, Section 401.1

1. *General principles:* The primary responsibility of the academic community is to provide for the enrichment of intellectual experience. Essential to the realization of this ideal is a free and open academic community, which takes no ideological or policy position itself. However, the responsible academic community welcomes those who do take an ideological or policy position and zealously guards, with vigilance, their right to do so. Conflict of ideas cannot occur unless there is opportunity for a variety of viewpoints to be expressed. Toleration of what may be error is an inescapable condition of the. Thus, its meaningful pursuit of truth requires the academic community to be tolerant of disparate thinking and. The academic community must be hospitable, even to closed minds, and it must further welcome the conflict of ideas likely to ensue. Academic freedom responsibility to provides a safe haven opportunity for for the expression of diverse points of view generates academic freedom by faculty, students and guests of the University, free from interference by administrators, SBHE members or other government officials.
2. *Faculty:* Faculty are entitled to full freedom in research and in the publication of results subject to the adequate performance of their other academic duties. They are also entitled to freedom in lecturing or conducting demonstrations in their subject or field of competence. They Members of the faculty are as entitled as any other member of the community in which they live to establish membership in voluntary groups, to seek or hold public office, to interact with their elected officials, to express their opinions as individuals on public questions and to take action in accordance with their views. Cognizant of their responsibilities to their profession and to their institution, faculty accept certain obligations; they should attempt to be accurate, to exercise sound judgment and to respect the right of others to express opinions. They must make clear that their actions, statements and memberships do not necessarily represent the views of either NDSU, or the ND University System. If there are controls to be exercised over faculty members, they are the controls of personal integrity and the judgment of their colleagues.
  - a. *Research and creative activities:* Members of the faculty have full freedom to pursue their research and/or creative activities and to publish their results, free from ridicule, recrimination, or reprisal by colleagues, administrators, SBHE members or other government officials. They are free to involve interested students and other professionals in their University research and to pursue extramural funding to support it.
  - a.b. *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.

Cognizant of their responsibilities to their profession and to their institution, faculty accept certain obligations; they should attempt to be accurate, to exercise sound judgment and respect the right of others to express opinions. They must make clear that their actions, statements and their memberships do not necessarily represent the views of the academic community. If there are

~~controls to be exercised over faculty members, they are the controls of personal integrity and the judgment of their colleagues.~~

2-3. Students: ~~Academic freedom affords students the right to be taught by instructors who are unconstrained by institutional and governmental political forces~~ ~~Students are entitled to be taught by unfettered teachers~~ and to have access to all views and information pertinent to their subjects of study. ~~They have the right to the widest possible latitude in selecting their plan of study and their instructors. They are entitled to as complete freedom as possible in selection of their curriculum, their teachers, and their associates.~~ Moreover, they have a right to intellectual disagreement with their instructors and ~~their associates~~ classmates, and to question them without fear of ridicule, or recrimination or ~~punishment~~ reprisal. ~~Academic freedom does not afford students the right of protection from exposure to ideas or points of view divergent from their own, even if they find them repugnant or offensive.~~ ~~Students~~ They are ~~also~~ also entitled to seek the publication of their views, to seek membership in ~~voluntary~~ groups, to seek or hold public office, and to take lawful action in accordance with their views. ~~Students also have the responsibility~~ During academic discourse, students are responsible for being informed and respectful of others. They are further responsible to make clear that their actions, memberships and statements ~~do not~~ represent neither the views of NDSU, nor the ND University System ~~academic community~~.

3-4. Guest speakers, movies, theatrical presentations, exhibits and other programs: Adherence to the tenets of academic freedom precludes colleges and universities from denying persons or organizations, even those with whom its students, faculty, administrators or SBHE members may disagree, the right to freedom of expression. Particularly pertinent to this issue is the above assertion that a free and open academic community takes no ideological or policy position itself. Accordingly, the university must not enact explicit policy or act upon any implicit ~~A college or university by its very nature cannot pay lip service to the concept of freedom of expression and then deny persons with whom it is in disagreement the opportunity of giving expression to their views. Furthermore, a policy that extends the right of freedom of expression to some persons and denies while denying it to others, as this would~~ places the institution in the position of endorsing aligning itself ideologically with the past record and views of those who are given permission ~~permitted to speak~~ present or perform. Therefore, ~~guest a~~ speakers, performers, or programs may be presented under the sponsorship of any duly recognized NDSU student, faculty, or administrative organization or any individual officer of instruction, regardless of the views they promote. ~~It is not necessary that the point of view presented be congenial to the campus, members of the staff or student body individually, or to individual members of the wider community. The speaker must, to the most reasonable extent possible, be extended be accorded the courtesy of an uninterrupted presentation. Except for ceremonial occasions, such as graduation addresses and facility dedications, questions must be permitted from the floor after the presentation. s~~ Speakers must accept, as condition of their appearance, the right of their audience to question or challenge statements made in their address. They must further accept their responsibility to promptly address those questions and statements. Questions must be permitted from the floor unless prevented by physical limitations, or the size of the audience. The invitation or scheduling of such an ~~event~~ program must represent the desire of the institutional sponsor and not the will of external individuals or organizations. The sponsor must establish full responsibility for the program and should help to make clear that the views expressed in an address or performance do not necessarily represent those of NDSU or the ND University System. ~~establish the concept that the point of view expressed in an address or performance does not necessarily represent the position of the academic community. Such presentations must at all times be consistent with the laws of North Dakota and the United States.~~



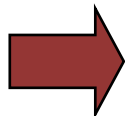
## Attachment 10

### HISTORY:

New	May 11 1984
Amended	April 1992

# 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](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

## SECTION:

## 611.1 International Travel for Students

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: NEW POLICY PROPOSED – This policy is intended to formalize a procedure for students participating in any travel outside the United States for University-related purposes which includes any travel not part of the fifty states and District of Columbia (Washington, D.C.). The purpose is to ensure that the Office of International Student and Study Abroad Services is aware of the location of students while traveling and also ensuring proper international travel/health insurance is in place during the duration of the travel period. While it is a student policy, we want faculty and staff to be apprised of the information so as to encourage students to apply through ISSAS as appropriate for the type of travel planned.
2. This policy change was originated by (individual, office or committee/organization):
  - International Student and Study Abroad Services – 5/6/2016
  - Alicia Kauffman, Director

*This portion will be completed by Mary Asheim.*

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.policy.manual@nds.edu](mailto: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!

# North Dakota State University

## Policy Manual

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### SECTION 611.1

#### International Travel for Students

SOURCE: NDSU President

1. **POLICY STATEMENT**- North Dakota State University (NDSU) promotes the health, safety, and security of all students while traveling outside the United States for University-related purposes. The University reserves the right to cancel any international activity at any time due to health, safety, or other concerns. Any planned or anticipated travel to a country or region under a travel warning or travel alert as designated by the U.S. Department of State is subject to review and approval and modifications or cancellations by appropriate administrators and the Office of International Student and Study Abroad Services. Current travel conditions can be reviewed on the U.S. Department of State website at: <http://travel.state.gov>
2. **SCOPE** - This policy applies to student travel outside of the United States for University-related purposes. Examples of such travel, which may include, but is not limited to, are to study; to perform research; to participate in internships; to perform service; to present work at conferences; to teach; to perform or participate in athletic competitions. For purposes of this policy, outside of the United States refers to locations not included in the fifty states and District of Columbia (Washington, D.C.).
  - 2.1 Student travel that falls under this policy may be sponsored by an academic department, university unit, or Congress of Student Organization (CSO) recognized student organization. This policy applies to NDSU-affiliated student travel with or without university funding.
  - 2.2 Questions about whether or not this policy applies to a particular type of student travel may be directed to the Office of International Student and Study Abroad Services.
3. **DEFINITIONS**
  - a. An **organized event** is one that is initiated, planned, or arranged by a member of the University's faculty or staff, or by the members of a recognized student organization, and is approved by an appropriate administrator.
  - b. A **sponsored event or activity** is one that the University endorses by supporting it financially, or by sending students to participate in it as official representatives of the University.
  - c. An **enrolled student** is one who has been admitted to and is attending classes at the University.
  - d. An **appropriate administrator**, for the purpose of student travel, is the President, Provost, dean, department chair, or head of an administrative unit, or their delegate.
  - e. A **program leader** is the faculty or staff responsible for managing or coordinating all aspects of group student travel in coordination with the Office of International Student and Study Abroad Services.

- f. A **student program leader** is the individual responsible for managing all aspects of the student travel, including participation in the program. The program leader serves as a liaison between the group and the University. Student program leaders must be in good standing (academic and conduct) with NDSU.
4. **TRAVEL AUTHORIZATION** - International travel governed by this policy must be authorized in advance. In order for students to obtain travel authorization, they must complete the appropriate process by the corresponding deadlines that occur each semester. If the travel experience does not have a set application process, the required process should be completed according to the general study abroad deadlines of March 1 and October 1, respectively. Completion of the required process is based on the type of program outlined below:

- 4.1 **(For Academic Credit)** – Acceptance into an officially recognized exchange, direct, affiliate or faculty-led program or by following the approval process to participate on a non-NDSU program. In these instances, please complete the steps as outlined through the application process for study abroad options through the Office of International Student and Study Abroad Services.

**(Not for Academic Credit)** – Submit all required information through the International Travel Registry as outlined through the Office of International Student and Study Abroad Services to provide detailed information about international travel dates and destinations and purchase university approved health insurance that cover the dates of travel.

Participant Category	Required Process
Individual Student (for academic credit)	Study Abroad Application
Individual Student (not for academic credit)	International Travel Registry
Group Travel with Program Leader (for academic credit)	Study Abroad Application
Group Travel with Program Leader (not for academic credit)	International Travel Registry
Student Organization Group Travel with Student Program Leader	Student Organization Travel Registry

5. **CONDITIONS OF PARTICIPATION, RELEASE FORMS AND EMERGENCY SITUATIONS** – Students must read and electronically sign the Conditions of Participation agreement. This agreement outlines requirements, expectations, and responsibilities when participating in any NDSU study abroad program. Students may be required to sign other release forms as necessary; students are required to complete a health questionnaire after acceptance into a study abroad program.

- 5.1 In the event of an emergency, students are required to follow the instructions provided by ISSAS including any applicable health insurance provider instructions relevant to the

program. Students agree to update ISSAS with current and correct contact information, including email address, physical address and phone number.

6. **STUDENT CONDUCT AND REMOVAL FROM PROGRAM** - While abroad, students are bound by policies in the *NDSU Rights and Responsibilities: A Code of Student Conduct*, by the rules of the foreign institutions, and by the laws of the geographical location of the program. NDSU may take disciplinary action against students who violate the Code of Student Conduct while participating in a study abroad program.
  - 6.1 The program leader or institutional representative is granted reasonable discretion in determining what constitutes a violation and determining appropriate handling of such matters as they arise. Program leaders have the option of initiating reasonable disciplinary actions for misconduct.
  - 6.2 If the program leader or institutional representative determines, in consultation with the Assistant Vice President and Dean of Student Life or designee, that the student's continued association with the program poses a significant risk of harm to the student or puts the health or safety of other program participants, the academic integrity of the program, or the relationship with the foreign institution or other partners or country at risk, the student may be immediately removed from the program. All expenses incurred due to such removal, including any costs associated with program enrollment, are the responsibility of the student.
  - 6.3 In the event of removal from the program, the student must vacate the facilities provided by the program and will be withdrawn from all course work associated with the program. In the event of removal, the student remains responsible for all costs associated with program enrollment, without recourse to a refund.
7. **NON-COMPLIANCE** - Students who fail to comply with this policy will be subject to disciplinary action under the processes outlined in the Code of Student Conduct. Faculty and staff who fail to comply may have their right to participate in study abroad programs involving students revoked in addition to any other sanctions that may be imposed by NDSU. Appeals of sanctions follow normal NDSU policy.

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HISTORY:

New

**NDSU Faculty Senate**  
November 14, 2016  
Prairie Rose, Memorial Union  
Agenda

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- I. Call to Order
- II. Attendance
- III. Approval of agenda
- IV. Approval of previous [meeting minutes from October 10, 2016](#)
- V. Consent agenda
  - a. Academic Affairs Report and General Education Report ([attachment 1](#))
  - b. Policy changes
    - 515 - housekeeping change, information only ([attachment 2](#))
    - 361 - information only ([attachment 3](#))
- VI. Announcements
  - a. Dean Bresciani, President
  - b. Beth Ingram, Provost
  - c. Katie Gordon, Faculty Senate President
  - d. Stuart Haring, Faculty Senate President-Elect
  - e. Jim Osland, Staff Senate President
  - f. Amelia Pfarrer and Brendan Curran, Student Government Representatives
- VII. Senate Committee Reports - none
- VIII. Unfinished Business (for input)
  - a. Policies 801 & 813 – (Per the Faculty Senate motion, this has been sent back to SPA/Research for faculty & staff input. It will be returned to Senate once revised.)
  - b. Priorities for Senate for 2016-2017
  - c. Live2Lead ([attachment 4](#))
  - d. Policies needing input
    - 152 - Research & Consulting Committee - Chad Ulven ([attachment 5](#))
    - 611.1 – International Student and Study Abroad Services - Alicia Kauffman ([attachment 6](#))
    - 155 – President’s Council on Alcohol and Other Drugs - Nicklaus Redenius ([attachment 7](#))
    - 325 – Dennis Cooley ([attachment 8](#))
    - Faculty Senate Bylaws Article III, Section 4 – Dennis Cooley ([attachment 9](#))
    - Faculty Senate Bylaws Article IV, Section 11 – Dennis Cooley ([attachment 9](#))
- IX. New Business (for input)
  - a. Policies needing input

- 350.4v2 – Virginia Sublett, Standing Committee on Faculty Rights ([attachment 10](#))
  - 151 – Dennis Cooley ([attachment 11](#))
  - 162 (federally mandated; seeking faculty input on clarity) – Canan Bilen- Green, Vice Provost for Faculty and Equity ([attachment 12](#))
- b. Student resolution in support of cancelling all NDSU classes the day before Thanksgiving – Kashalyn McKinster ([attachment 13](#))

X. Adjourn

**For Faculty Senate:  
Approved General Education Recommendations**

**For Faculty Senate Meeting on (month/year): November 14, 2016**

<b>Courses Approved for General Education (New)</b>			
<b>Course No.</b>	<b>Course Title</b>	<b>Recommended Categories</b>	<b>Recommended Outcomes</b>
ENGL 333	Fantasy and Science Fiction	Humanities and Fine Arts	Human Societies
ENGL 331	Cotemporary Women Writers	Humanities and Fine Arts	Human Societies
ENGL 380	Shakespeare	Humanities and Fine Arts	Human Societies



**Academic Affairs Committee Report  
For Faculty Senate Meeting on November 14, 2016**

<b>Program Changes</b>				
B.S. in Agricultural Economics – requiring ECON 343 now regardless of whether or not the student has taken ECON 324				
Minor in Agribusiness – requirements are to be met with didactic courses only				
Minor in Equine Assisted Activities and Therapies – change of name for minor and rearranging of electives				
B.S. in Construction Management – update CIP code and update of selective admission				

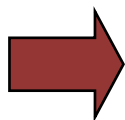
<b>New Courses</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Effective Term</b>
ADHM	386	Merchandise Planning and Buying	3	Spring 2017
CHP	184	Understanding and Developing Compassion in Patient Care	1	Spring 2017
EDUC	416/616	Teacher Education in International Comparative Perspective	2	Spring 2017

<b>Course Changes</b>								
<b>From:</b>				<b>To:</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Dept</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Effective Term</b>
PHRM	535	PTDI: Neoplastic Diseases	3	PHRM	535	Neoplastic Disease	3	Fall 2017

<b>Change in Prerequisites/Co-Requisites and/or Change in Bulletin Descriptions</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Prerequisite/Co-requisite Change</b>	<b>Effective Term</b>
ABEN	263	Biological Materials Processing	Prereq: ABEN 255 Co-req: ME 221	Spring 2017
HNES	255	Professional Preparation in Middle School Physical Education	Prereq: HNES 110	Spring 2017
PHRM	341	Pathophysiology II	Prereq: admission to the PharmD program	Spring 2017
PHRM	352	Introduction to Health Care Systems	Prereq: admission to the PharmD program	Fall 2017
PHRM	475	Pharmacy Practice Management	Prereq: PHRM 350, PHRM 352, PHRM 452L	Spring 2017
PHRM	535	Neoplastic Disease	Desc: This course provides a framework for understanding the role molecular biology plays in the pathophysiology and treatment of the most prevalent neoplastic diseases. Students will apply evidence-based principles in assessing/monitoring appropriate therapy for patients with cancer. Prereq: PSCI 410, PSCI 412 both with a grade of C or higher.	Fall 2017
PHRM	572	Pharmacy Law	Prereq: PHRM 350, PHRM 352, PHRM 452L	Spring 2017
PHRM	580	Pharmacotherapy Capstone	Prereq: PHRM 532, PHRM 534, PHRM 535, PHRM 536, PHRM 537, PHRM 538 all with a grade of C or higher.	Spring 2017
SOIL	217	Meteorology and Climatology	Deletion of prerequisite MATH 103	Spring 2017

# Policy Change Cover Sheet

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## SECTION: **Policy 515 Travel – Employees Section 7**

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: Housekeeping update to employee lodging reimbursement rates established by the United States General Services Administration. New rates effective October 1<sup>st</sup> 2016.
2. **This policy change was originated by (individual, office or committee/organization):**
  - Office/Department/Name and the date submitted: Accounting Office – Ricki Martin – submitted 09/07/2016
  - Email address of the person who should be contacted with revisions: [ricki.martin@ndsu.edu](mailto:ricki.martin@ndsu.edu)

*This portion will be completed by Mary Asheim.*

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

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

**Senate Coordinating Committee:**

**Faculty Senate:**

**Staff Senate:**

**Student Government:**

**President's Cabinet:**

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

# North Dakota State University

## Policy Manual

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### SECTION 515

#### TRAVEL - EMPLOYEES

SOURCE: NDSU President  
North Dakota Century Code (NDCC)  
North Dakota Office of Management and Budget Policy

#### 1. GENERAL PROVISIONS

##### 1.1 DEFINITION OF "TRAVEL" - (NDSU Interpretation)

*For purposes of this policy, except for No. 2 below, the term "travel" means the absence from the city or community where a person normally works and/or maintains an office. For purposes of travel by staff members employed on the University campus their "community" shall include, Fargo, West Fargo, and Moorhead.*

##### 1.2 MEANS OF TRAVEL - (NDSU Interpretation)

*Employees must choose the most prudent and economical means of travel, considering factors such as: travel expenses, time away from the office, and the needs of the University.*

##### 1.3 ACCOUNTING OFFICE RESPONSIBILITY - (NDSU Interpretation)

*The NDSU Accounting Office is responsible for the initial development of NDSU's employee travel expense reimbursement policy, in addition to the final review and approval of individual employee travel expenses. Employees may be contacted by the Accounting Office for more documentation or a cost/benefit justification. The NDSU Accounting Office must apply the travel rules in this policy on a reasonable, fair and consistent basis.*

##### 1.4 TRAVEL VOUCHER REQUIREMENTS - (NDCC 54-06-09 (6))

Before an allowance for any such mileage or travel expenses may be made, the employee shall file with the employee's department an itemized statement showing the mileage traveled, the hour of departure and return, the days when and how traveled, the purpose thereof, and such other information and documentation as may be prescribed by rule of the employee's department, college, or division.

(NDCC 44-08-05.1)

Any employee who has the power to approve a voucher for a department shall determine, before approving such voucher, the following:

1.4.1 That the expenditure for travel or other expenditures were for lawful and official purposes.

1.4.2 If for travel expense, that the travel actually occurred and that the sums claimed for travel expenses are actually due the individual who is seeking reimbursement, allowance, or payment.

1.4.3 If the voucher is for expenditure other than travel expense, that the expenditure is lawful and that the voucher contains no false claims.

## 2. TRAVEL WITHIN THE CITY OF EMPLOYMENT

Employees may be reimbursed for expenses incurred within their "city or community" of employment for the following:

### 2.1 (NDSU Interpretation)

*Parking fees for personal vehicles when conducting University functions or attending University meetings.*

### 2.2 (OMB Policy 507)

Mileage at in-state rates for personal vehicles used to transport equipment or university guests for university functions.

#### 2.2.1 (OMB Policy 507)

Mileage from a normal work station to a conference or meeting is reimbursable, if an employee actually reports to work prior to attendance at the meeting. However, mileage for travel from an employee's residence directly to the conference/meeting site is not reimbursable, since it is considered normal commuting travel.

### 2.3 (NDSU Interpretation)

*Meals may be reimbursed as provided under NDSU Policy 170.*

### 2.4 (NDSU Interpretation)

*Transportation between the employee's residence and airport, which consists of taxi fare or mileage plus airport parking, whichever is less.*

## 3. OUT-OF-STATE TRAVEL AUTHORIZATION - (NDSU Interpretation)

*Employees must have each out-of-state trip pre-approved by their immediate supervisor. In addition, employees in a department, college, or division must have each out-of-state trip pre-approved by their Dean or Director. Deans and Directors who report directly to a Vice President or Provost must have their out-of-state trips pre-approved by their Vice President or Provost. Vice Presidents, Provost, and others reporting directly to the President, must have each out-of-state trip pre-approved by the President. Prior approval is to be obtained by using the Travel Authorization – Out-of-State form.*

### 3.1 WORKERS COMPENSATION - (NDSU Interpretation)

*In cases where employees are working out-of-state for 30 consecutive days, or for any international trip, the employee must notify the University Police and Safety Office to arrange proper Workers Compensation coverage.*

### 3.2 FOREIGN TRAVEL AUTHORIZATION - (NDSU Interpretation)

*Each trip to a foreign country must be approved by the appropriate Vice President or Provost or their designee.*

## 4. PRIVATELY OWNED TRANSPORTATION - (NDCC 54-06-09)

An employee, when required to travel by motor vehicle or truck in the performance of official duty, should use a state-owned vehicle, whenever possible.

### (OMB policy 511)

When an employee drives a state fleet vehicle, the State's liability coverage is primary should an accident occur. If an employee drives a personal vehicle on state business, the employee's personal insurance is primary. If an employee must drive a personal vehicle because no state fleet vehicles are available, then the State would have primary responsibility.

(NDCC 44-08-03)

Where more than one state employee travels in the same car while engaged upon official duty, whether belonging to different departments, subdivisions, boards, or commissions or not, no claim may be made for more than one mileage, such claim to be made by the owner or lessee of such car.

If an employee is allowed to use a personal vehicle, reimbursement will be made according to the rates below.

4.1 IN-STATE MILEAGE - (NDCC 54-06-09 (1a))

The sum of 57.5 cents (for travel prior to 01/01/2016) or 54 cents (for travel on or after 01/01/2016) per mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle.

4.2 (NDCC 54-06-09 (1a))

The sum of 81 cents per mile when such travel is by private airplane.

4.3 OUT-OF-STATE MILEAGE - (NDCC 54-06-09 (3))

If only one person engages in travel exceeding any geographic point 300 miles beyond the borders of this state, reimbursement shall be limited to eighteen cents per mile for the out-of-state portion of the travel beyond the first 300 miles.

*(NDSU Interpretation)*

*When interpreting the law indicated in 4.3 above, it may be helpful to visualize that the state's border has expanded in all directions by 300 miles. When only one person travels outside the state of North Dakota and uses their own vehicle, their miles traveled within the 300 mile expanded border, the employee may be reimbursed at the 57.5 cents (for travel prior to 01/01/2016) or 54 cents (for travel on or after 01/01/2016) per mile rate. This includes both the departure and return parts of the trip.*

*When two or more state employees travel in the same vehicle, the per mile allowance is 57.5 cents (for travel prior to 01/01/2016) or 54 cents (for travel on or after 01/01/2016). State employees accompanying the vehicle owner must be listed on the travel voucher.*

4.4 (NDCC 54-06-09 (5))

State employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding thirty consecutive days, will be allowed and paid 57.5 cents (for travel prior to 01/01/2016) or 54 cents (for travel on or after 01/01/2016) per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, the 300 mile restriction, in 4.3 above, does not apply.

*(NDSU Interpretation)*

*Mileage allowances are assumed to be total operating costs for vehicles. No additional amounts will be reimbursed to employees for personal items such as: traffic or parking tickets, vehicle repairs, or any other normal automobile expenses.*

5. COMMERCIAL AIRLINES - (OMB Policy 510)

For travel on official state business, airline tickets may be either purchased through a travel agency and billed to the department, or purchased by the employee and reimbursed. In either case, the original itinerary should be used to support the travel agency payment or employee reimbursement.

Reimbursement to an employee or *tickets directly billed to a department* will be allowed for the actual cost of tourist or coach fare, purchased at the lowest reasonable rate available, except when approved by the President, or President's designee, unless not permitted by federal rules or regulations. Approvals must be filed in the President's Office. First Class or Business Class tickets should normally be through a frequent flyer upgrade or the employee should use frequent flyer miles earned via state travel. Invoices from third parties (like travel agencies) must identify if travel is First Class or Business Class.

5.1 (NDSU Interpretation)

*If the ticket is paid by the employee in a month prior to the travel dates, with appropriate department approval, the employee may be reimbursed immediately after the ticket is paid using an accounts payable voucher.*

5.2 (NDSU Interpretation)

*Meal and lodging expenses will be limited to the days needed to complete the business trip. Meal and lodging expenses for additional travel necessary to get a discounted or reduced airline rate are reimbursable, if a cost savings can be documented.*

6. MEAL REIMBURSEMENTS - (NDCC 44-08-04)

Reimbursement is allowed only for overnight travel or other travel, away from the normal place of employment, for four hours or more. Verification of expenses by receipt is required only for lodging expenses.

6.1 DEFINITION - QUARTERS - (NDCC44-08-04 (2)) (NDSU Interpretation italicized)

For purposes of employee meal and lodging reimbursements, state law defines the four quarters of a day as follows:

First quarter shall be from six (6) a.m. to twelve (12) noon. No reimbursement may be made if travel begins after seven (7) a.m.

Second quarter shall be from twelve (12) noon to six (6) p.m. *(No reimbursement will be made for this quarter if travel begins after one (1) p.m. or ends prior to twelve (12) noon.)*

Third quarter shall be from six (6) p.m. to twelve (12) midnight. *(No reimbursement will be made for this quarter if travel begins after seven (7) p.m. or ends prior to six (6) p.m.)*

Fourth quarter shall be from twelve (12) midnight to six (6) a.m. *(This quarter pertains to claiming lodging expense.)*

6.2 CONFERENCE, SEMINAR, OR OTHER MEETING - (NDCC 44-08-04 (1))

Claims may also be made for meals that are included as part of a registration fee for a conference, seminar, or other meeting and for meals attended at the request of and on behalf of the University; however, if a meal is included in a registration fee, the applicable quarter's meal allowance cannot be claimed for that meal.

6.3 TAXABLE MEALS - (NDSU Interpretation of IRS regulations)

*Meal reimbursements that do not involve "overnight lodging" are reported as taxable gross income on the employee's W-2 and are subject to withholding and employment taxes. A lodging receipt is considered adequate proof of overnight lodging. Also, a notation on the travel voucher that the employee stayed overnight with a friend or relative is sufficient.*

6.4 PAYMENT FOR MEALS OF STAFF & GUESTS, WHILE IN TRAVEL STATUS - (NDSU Interpretation)

*NDSU Policy 170 allows reimbursement to employees for meals of staff and guests, even though the employee is not in travel status. Employees while in travel status may also occasionally encounter meal expenses when they are required to be at a meeting and there is a need to pay for meals of guests, such as when interviewing candidates, recruiting, or fund raising.*

*If an employee is at a required meeting and pays for meals of guests (while in travel status), the employee may be reimbursed for the actual receipt amount. If the employee meal is reimbursed at actual receipt amount on the travel voucher, he/she must not claim the applicable quarter's meal allowance.*

*When employees are reimbursed for the actual receipt amount for meals under this section, the expenses should be reflected under the "miscellaneous expense" column on the travel voucher. The purpose of the meeting and names of guests must be documented on either the travel voucher or an attached banquet and meeting documentation form.*

6.5 TEAM TRAVEL - (Excerpt from NDCC 44-08-04, Subsection 1)

If a higher education athletic team or other organized institution organization group meal is attended at the request of and on behalf of the institution, actual expenses for the entire group, including coaches, trainers, and other employees, may be paid or submitted for payment of a team or group travel expense report: subsection 2 does not apply; and officers and employees are not required to document individual expenses or submit individual travel reimbursement vouchers.

*(NDSU Interpretation)*

*Meal expenses of athletic department employees, when traveling with student athletes to games, are covered by travel advances issued from the Accounting Office. These meals are attended at the request of and on behalf of the University and, therefore, the meals are paid from the travel advance at the actual cost of the meals, in accordance with the Athletic department meal reimbursement guidelines for student athletes. Since the meals are paid out of the travel advance, it is not necessary for the employees involved in the team travel to complete a travel voucher to claim reimbursement for the meals.*

*As an alternative to actual meal costs, some head coaches may prefer to distribute a cash per diem to the employees and student athletes. The cash per diem is distributed from the travel advance for the individual to use for meals. The cash per diem for employees must not exceed the meal allowance allowed policy and must not exceed the Athletic department meal reimbursement guidelines for student athletes. Since the employee cash per diem is paid from a travel advance, it is not necessary for the employee to complete a travel voucher to claim reimbursement for the meals.*

6.6 MEAL ALLOWANCE RATES - (NDCC 44-08-04 (2))

Meal reimbursement rates depend upon the time of day the employee is in travel status and whether the travel is in-state or out-of-state. Verification of receipts shall not be required for the first three quarters listed above in Section 6.1.



## 6.6.1 IN-STATE - (NDCC 44-08-04 (2))

For travel prior to August 1, 2013, in-state rates are as follows:

Location	Daily Total	First Quarter	Second Quarter	Third Quarter
In-State	\$ 30.00	\$ 6.00	\$ 9.00	\$ 15.00

For travel on or after August 1, 2013, in-state rates are as follows:

Location	Daily Total	First Quarter	Second Quarter	Third Quarter
In-State	\$ 35.00	\$ 7.00	\$ 10.50	\$ 17.50

## 6.6.2 OUT-OF-STATE, WITHIN CONTINENTAL U.S. - (NDCC 44-08-04 (3))

The allowance for out-of-state meals, within the continental United States, is equal to per diem meals rate in the city for which a claim is made on that day as established by the United States general services administration and must be allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

*(NDSU Interpretation)*

*The standard meal allowance rate (per diem) for cities in the continental United States is currently \$51.00 per day effective 10/01/2015. The North Dakota Office of Management and Budget (NDOMB) web site shows the official current out-of-state meal allowance rates that NDSU will follow. The NDOMB web site includes a [listing of cities](#) whose meal allowance rates are higher than the standard rate.*

The table below (effective 10/01/2015) shows examples of how the meal allowance per diem is split between the first quarter or breakfast (20%), second quarter or lunch (30%), and third quarter (50%).

Location	Daily Total	First Quarter	Second Quarter	Third Quarter
Out-of-State, within continental U.S. (depending on city) <u>Standard Rate</u>	\$ 51.00	\$ 10.20	\$ 15.30	\$ 25.50
(depending on city)	\$ 54.00	\$10.80	\$ 16.20	\$ 27.00
(depending on city)	\$ 59.00	\$11.80	\$ 17.70	\$ 29.50
(depending on city)	\$ 64.00	\$12.80	\$ 19.20	\$ 32.00
(depending on city)	\$ 69.00	\$ 13.80	\$ 20.70	\$ 34.50
(depending on city)	\$ 74.00	\$ 14.80	\$ 22.20	\$ 37.00

## 6.6.3 NON-CONTINENTAL UNITED STATES AND OVERSEAS NONFOREIGN AREAS - (NDCC 44-08-04 (4))

The allowance for meals in noncontinental United States and overseas nonforeign areas, including Alaska, Hawaii, and Guam, is equal to the per diem meals rate in the city for which a claim is made on that day as established by the rule for federal employees established by the United States per diem committee and must be



allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

*(NDSU interpretation)*

*The Accounting Office web site will have a link to the appropriate meal allowance for foreign travel.*

#### 6.6.4 FOREIGN TRAVEL - NDCC 44-08-04(5))

The allowance for meals outside the United States is equal to the per diem meals rate in the city for which a claim is made on that day as established by rule for federal employees established by the United States department of state and must be allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

*(NDSU Interpretation)*

*The Accounting Office web site will have a link to the appropriate meal allowance for foreign travel.*

7. LODGING REIMBURSEMENTS - (NDCC 44-08-04 (1)(2d)(6)) *(NDSU Interpretation italicized)*  
Reimbursement for in-state lodging expenses incurred while in travel status during the fourth quarter shall not exceed 90% of the rate established by the United States General Services Administration (GSA) for North Dakota, plus applicable state or local taxes on lodging. As of October 1, ~~2013~~2015, the GSA rate for lodging in North Dakota was ~~\$8389~~; therefore, the maximum amount that can be claimed is ~~\$74.70~~80.10, plus applicable taxes. For travel on or after October 1, ~~2015~~2016, the GSA rate for lodging in North Dakota was ~~\$8991~~; therefore, the maximum amount that can be claimed is ~~\$80.10~~81.90, plus applicable taxes.

The GSA will update their rates periodically during the biennium and the allowable lodging reimbursement will also change at that time. See the city/county rate exceptions, found on the Accounting website. The amounts shown are 90% of the GSA rates and are the maximum state reimbursable rates that can be claimed, plus applicable state and local taxes. These rates are effective October 1, ~~2012~~2016.

Out-of-state lodging expenses shall be reimbursed at actual expense.

An original lodging receipt is required for reimbursement to the employee. *(When an original receipt is lost, a photocopy or faxed invoice should be obtained with a notation by the employee that the original receipt was lost.)*

#### 7.1 IN-STATE LODGING RATES OVER MAXIMUM - (SBHE 806.1.10)

In the unlikely situation an employee cannot find lodging at 90% of the GSA rate, the following process needs to be followed:

7.1.1 Prior-approval by campus designated approver must be obtained.

7.1.2 The request must document the name of the employee, name of city traveling to, dates of lodging, name and local phone number of the lodging facility, the rates quoted for the dates of travel or if there were no available rooms. A minimum of 3 facilities should be contacted. If traveling to a North Dakota community that does not have 3 lodging facilities, indicate on documentation.

7.1.3 This documentation must be attached to the travel reimbursement form.

7.1.4 Occasionally, additional documentation will be requested to ensure the most cost-effective rates possible were obtained.

7.1.5 *If a room is more than the 90% maximum GSA rate for North Dakota, allowed in section 7, above, the additional taxes eligible for reimbursement must be pro-rated. For example (using the ~~\$80.10~~\$81.90 -maximum rate): if the room is \$90.00 and taxes are \$13.50, the individual will be reimbursed ~~\$80.10~~\$81.90 plus ~~\$12.02~~\$12.29 pro-rated taxes (~~\$80.10~~\$81.90/90.00 x \$13.50 = ~~\$12.02~~\$12.29).*

## 7.2 DIRECT BILLING OF LODGING TO DEPARTMENT - (NDSU Interpretation)

*Employee lodging must be first paid by the employee and then reimbursed using the travel voucher. An employee's lodging expense should not be paid directly by the department to the lodging facility.*

### *EXCEPTIONS - (NDSU Interpretation)*

7.2.1 State law (NDCC 44-08-04.5) allows a state agency or institution to pay an out-of-state lodging provider directly when the North Dakota Office of Management and Budget has obtained a sales tax exemption from the destination state.

*(NDSU Interpretation)*

*(At this time, OMB does not have an agreement with any other state. State agencies will be notified when such agreements have been obtained.) The state law exception does not apply to in-state lodging.*

### 7.2.2 (NDSU Interpretation)

*A lodging facility may be paid directly by the department if the travel involves a student field trip or athletic team travel.*

## 7.3 REQUIRED DEPOSITS - (NDSU Interpretation of OMB Policy 513)

*If a lodging facility requires a paid deposit to hold a room in advance, it should be paid by the employee. If the deposit is paid by the employee in a month prior to the travel dates, the employee may be reimbursed immediately after the deposit is paid using a Request for Payment form. The employee will need to verify that the deposit was properly credited to the lodging bill when the travel takes place.*

## 7.4 ROOM SHARING - (NDSU Interpretation)

*When two or more state employees share lodging accommodations, each employee should normally claim his/her own reimbursement. In instances where one employee pays the total lodging costs, he/she may claim reimbursement for the same by listing the other employee(s) sharing the lodging accommodation.*

*(OMB Policy 513)*

*When a state employee is accompanied by an individual not eligible for reimbursement (a spouse or traveling companion), the state employee must have the lodging establishment clearly certify the room rate for a single person and only that amount may be claimed.*

8. MISCELLANEOUS TRAVEL EXPENSES - (NDSU Interpretation)

*Reimbursement may also be requested for such necessary miscellaneous travel expenses as registration fees, car rental, taxi fares, toll fees, business telephone calls, parking fees and up to \$5.00 per day for personal telephone calls while in travel status. All miscellaneous travel expenses claimed on the travel voucher must be individually identified and explained. Receipts are required for all individual miscellaneous travel expenses exceeding \$10.00.*

8.1 ENTERTAINMENT & PERSONAL EXPENSES - (NDSU Interpretation)

*Employee entertainment or other personal expenses are not reimbursable. Expenses claimed by an employee that appear to fall in this category, will need additional justification to support claiming them as necessary business expenses.*

8.2 CAR RENTAL - (OMB Policy 518)

8.2.1 The university will reimburse an employee for car rental if the employee used an aircraft to get to their destination, and if the use of the vehicle is sufficient to justify that mode of travel instead of a taxi. It is generally the policy to discourage car rentals unless their cost effectiveness is self-evident.

8.2.2 When renting a car for university business, purchase of additional insurance is not necessary because it is covered by the State's Risk Management Fund. However, the North Dakota Risk Management Division does recommend purchasing the liability insurance if renting outside the United States. Also, when out of the country, it is advisable to purchase the loss damage waiver as well. Employees should consider what coverages the employee's personal auto insurance provides.

8.3 TIPS AND OTHER CHARGES - (NDSU Interpretation)

*Reasonable tips, not to exceed \$5.00 per tip, and service charges that are a necessary part of the business trip are reimbursable. Examples include: tips to bellhops and taxicab drivers. No reimbursement is allowed for tips on meals that are covered by the meal allowance.*

8.4 LOST RECEIPTS - (NDSU Interpretation)

*When an original receipt is lost, a photocopy or faxed invoice should be obtained with a notation by the employee that the original receipt was lost. Credit card receipts are not sufficient.*

9. TRAVEL ADVANCES - (NDCC 44-08-04.2)

The Accounting office may approve a travel advance to employees for payment of meal and lodging expenses incurred while the employee is traveling on official business of this state, provided that such travel is planned to be in excess of five days per month, and provided that the funds advanced do not exceed eighty percent of the estimated expenses for the period.

*NDSU LIMITATIONS - (NDSU interpretation)*

*Funds advanced for meals and lodging must be accounted for as required by this Policy. Travel advances may not be made from state appropriated funds. A travel advance form is available to request an advance. The Accounting Office will generally limit travel advances to the following two situations:*

9.1 *When an employee is chaperoning a group of students or other guests and is expected to pay some of the student's or guest's expenses.*

- 9.2 *When an employee is going on a trip for an extended period of time, such as more than one month. Usually these are international trips funded by a special grant.*

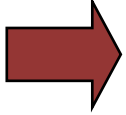
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HISTORY:

New	July 20, 2000
Amended	July 2001
Amended	June 2003
Amended	October 2003
Amended	August 2005
Amended	February 2006
Amended	October 2007
Amended	January 2008
Amended	July 17, 2009
Housekeeping	October 6, 2009
Housekeeping	February 2010
Amended	July 2010
Housekeeping	September 2010
Housekeeping	January 5, 2011
Housekeeping	June 15, 2011
Housekeeping	August 18, 2011
Housekeeping	January 27, 2012
Housekeeping	April 23, 2012
Housekeeping	October 10, 2012
Housekeeping	January 10, 2013
Housekeeping	July 30, 2013
Housekeeping	September 18, 2013
Housekeeping	December 31, 2013
Housekeeping	March 3, 2014
Housekeeping	December 31, 2014
Housekeeping	April 29, 2015
Amended	June 22, 2015
Housekeeping	September 30, 2015
Housekeeping	December 31, 2015

# Policy Change Cover Sheet

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



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

## SECTION:

## 361 EMERITUS TITLES

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes ☒ No
  - Describe change: Changes are proposed in an effort to clarify the policy and streamline the approval process.
2. This policy change was originated by (individual, office or committee/organization):
  - Office of the Provost
  - [canan.bilen.green@nds.edu](mailto:canan.bilen.green@nds.edu)

*This portion will be completed by Mary Asheim.*

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.policy.manual@nds.edu](mailto: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!

# North Dakota State University

## Policy Manual

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### SECTION 361 EMERITUS TITLES

SOURCE: SBHE Policy Manual, Section 430.2

1. Eligibility. Faculty, senior administrators, and professional staff are eligible for emeritus status. Employees who choose early retirement are eligible for emeritus status. If approved, the term "emeritus" will modify the final title held by the employee prior to retirement.
2. Process. A request for emeritus status must be made within one year of retirement. The unit in which the employee is housed will recommend emeritus status to the unit's supervisor; the unit supervisor will forward the request to the appropriate Dean or Vice President with a recommendation to either approve or deny the request. If the Dean or Vice President denies the request, no further action will be taken. If the Dean or Vice President approves the request, the request will be forwarded to the appropriate President's designee for final approval. The appropriate designee will notify the President of employees granted emeritus status.
3. Evaluation. Evaluation criteria will include length of service to the institution; significance of contribution to the department, college, NDSU, or State of North Dakota; degree of eminence of scholarly or creative works. Candidates must have been employed at NDSU for a period of at least ten years to be considered.
- ~~1. The Board may in its discretion confer emeritus status upon retirement or after retirement to a chancellor or president, based upon significant contributions or length of service to the state, university system or institution.~~
- ~~2. Institutions may confer emeritus status upon retirement or after retirement to faculty or senior administrators of professionals (excluding emeritus status for presidents) pursuant to institution policies and procedures. Criteria for emeritus status may include, but are not limited to, length of service to the institution, significant contributions to the institution and the State of North Dakota, or particularly distinguished service to an academic discipline.~~
- ~~3. Emeritus status shall not include salary or other compensation or other rights, except privileges specified in institution policies or procedures.~~
- ~~4. Each person so recommended shall ordinarily be nominated within the first year of retirement and approved by an appropriate faculty body (the department or appropriate unit), dean, vice president for academic affairs, and president.~~
- ~~5. Factors included in considering a candidate for emeritus status may include, but are not limited to:
  - ~~a) Length of service to the institution (normally ten years but may be less in exceptional cases);~~
  - ~~b) significant contribution to the department, college, university and/or state; and~~
  - ~~c) particularly distinguished service to the faculty member's academic discipline.~~~~

~~6. Faculty members who choose early retirement under 703.1 of the State Board policies shall be eligible for emeritus status under the provisions cited above. Faculty members who choose reversible retirement will not be eligible for emeritus status until their option to return to the active faculty has expired.~~

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HISTORY:	
Amended	September 16, 1983
Amended	September 1998
Amended	February 2006

Good afternoon Faculty Senate Leadership,

We are currently seeking sponsors to share in a collaborate movement to expose students, staff, and faculty to a day of wonderful speakers and leadership development. [The Live2Lead conference is scheduled for November 30 in the MU Ballroom](#). Last year many staff and faculty from across campus attended this professional development event.

The cost of hosting the program is \$3,495. If staff senate is interested in contributing financially and serve as a sponsor for this awesome program, please let us know. Every dollar amount helps. You will be recognized during the event as a sponsor and a member of staff senate will have the chance to share with the attendees why it was important to help support this event.

At this point we are looking at November 30 with an 8:30am start time and ending by 11:00am. After each speaker, the plan would be to have a reflective discussion/activity centered around the speakers topic. I will be getting a committee meeting together in the next two weeks. The committee will be determining more of the details regarding what the day will consist of. I am hopeful that Faculty Senate considers this opportunity and appoints someone to be part of the committee.

**Live2Lead is a leadership experience for all students, staff, and faculty.** Live2Lead will feature John Maxwell, a leadership expert, best-selling author and coach. He will explain how you can live your life with intention. He will tell participants how to:

- Learn how to discover your purpose in life
- Learn the difference between good intentions and intentional living
- Identify the one thing that adds the most value to your life
- Learn and live the four steps to significance
- Learn how to live daily with the end in mind

Additional Live2Lead featured presenters include Simon Sinek, Liz Wiseman, and Dan Cathy

Click here to learn more: <http://l2l.johnmaxwell.com/speakers>

**Live2Lead** is a leader development experience designed to give

participants: – New perspectives – Practical tools – Key takeaways.

When participants leave this program they will be excited to lead and live with renewed passion and commitment. The event is for every student, staff member, or faculty member, from experienced leaders to those who want to change their attitude and outlook. As leadership expert John Maxwell says, "Leadership is influence; nothing more, nothing less."

If you have any questions please contact [Matthew.Skoy@ndsu.edu](mailto:Matthew.Skoy@ndsu.edu)

-Matt

Matthew Skoy



Associate Director for Student Activities  
Memorial Union  
**NORTH DAKOTA STATE UNIVERSITY**

Dept. 5340, [PO Box 6050 / Fargo, ND 58108-6050](#)  
phone: 701-231-7799 / fax: 701-231-7866  
[www.ndsu.edu](http://www.ndsu.edu)

## Policy Change Cover Sheet

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### SECTION: **152 – External Professional Activities**

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

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

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

- Research and Consulting Committee – April 20<sup>th</sup>, 2016
- [chad.ulven@nds.edu](mailto:chad.ulven@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 5/16/16

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.policy.manual@nds.edu](mailto: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!

## North Dakota State University Policy Manual

### SECTION 152

#### EXTERNAL PROFESSIONAL ACTIVITIES

SOURCE: NDSU President  
NDSU Faculty Senate

##### 1. INTENT

- 1.1 North Dakota State University, ~~within stated guidelines,~~ encourages its employees to participate in professional activities ~~providing information, advice, or services to those outside of the University~~ as a means of ~~gaining additional professional experience and maintaining professional competency within their specialized disciplines.~~ These activities may include providing advice, information, or services to people and organizations outside the University system. Such Participation-participation in external professional activities is expected to contribute to the overall mission of the University.
- 1.2 ~~Acceptance of full time employment at NDSU carries a commitment to the University that is understood to be full time in the most inclusive sense. Full-time faculty and staff ("Employees") are expected to devote themselves to meeting their -administrative, instructional, research, and services duties to the University, their primary loyalty and energy toward meeting their instructional, research, service, and administrative duties. External activities and financial interests must not interfere with the expected primacy of these commitments, nor present a conflict-of-interest to the University, nor create a public relations problem for the University. Employees must disclose and, if appropriate, obtain approval prior to accepting outside appointments, consulting with the private sector, forming their own business, or otherwise diverting their attention from university duties. Prior to accepting appointments, engaging in a business, or otherwise diverting their attention from university duties, employees must make disclosure of the activity and, if appropriate, obtain approval.~~
- 1.3 University approval of ~~Approval to participate in~~ external professional activities by employees ~~does not mean the University endorses a particular product or service. The -does not permit use of the University's name should not be placed~~ in any announcement, advertisement, publication, or report to if it imply such applies University endorsement of a product or service. The endorsement. The University does not assume any responsibility for the external professional activities of its employees, professional services rendered during an external professional activity.

##### 2. CONSULTING PROFESSIONAL SERVICE WITHOUT REMUNERATION

- 2.1 Consulting is generally defined as professional activity related to a person's field or discipline. Employees of NDSU are often asked to participate in professional, discipline-related activities, such as officers of national organizations, journal editors, editorial boards, etc. Such participation is viewed as desirable, and University approval to engage in these activities is necessary only if substantial use of University facilities or resources will be needed for support of these activities involving a fee-for-service or equivalent relationship with a third party. Typically, this third party is not part of the University system. University employees may act as consultants and provide expertise for compensation to private

companies, nonprofits, governmental agencies, or individuals. Employees must adhere to the following policies when engaged in consulting activities. However, time spent on consulting activities outside of an employee's contract period is not governed by the following policies.

2.1.1 Employees need prior approval from the University before acting as consultants. University faculty need the approval of their chair, dean, and Provost. Those faculty with a major Experimental Station or Extension Service appointment also need approval of: 1) the appropriate Director and the Vice President for Agriculture and 2) University Extension. Employees with full-time Agricultural Experiment Station positions (e.g., branch stations) or full-time off-campus Extension appointments need approval from: 1) the appropriate Director and Vice President for Agriculture and 2) University Extension. University staff need the approval of the appropriate Vice President. Vice Presidents and members of the President's staff require the approval of the President. Decisions for such approval will depend upon the nature of the consultation, the employee's responsibility to the University, and the conditions of employment. Approval may be granted for up to one year. Approval must be renewed annually.

2.1.1.1 Any consulting agreement which attempts to assign ownership rights in intellectual property or provides that the ownership rights will belong to a third party and which arise in an area related to the employee's academic discipline or work at the University must be submitted for review and approval by the University (See Policy 190). The reason is to protect the interests of the University in any employee invention or other discovery. Unless otherwise expressly authorized, employees have no authority to assign any ownership rights in any invention or discovery which may arise or relate to their work at University or the use of any University property or equipment.

2.1.2 The consulting activity must not interfere with normal duties or activities.

2.1.3 -The consulting activity must not represent an actual or potential conflict of interest.

2.1.3.1 -Any actual or potential conflict of interest must be resolved before an employee can engage in consulting.

2.1.4. -The consulting activity must not compete directly with University-sponsored services.

2.1.5. -The time limit on the consulting activity is limited to the equivalent of one work-day per week during the contract period at the University.

2.1.6. -Employees must keep a record of their time spent consulting.

2.1.6.1 -Time spent on consulting include travel time, office visits, correspondences, telephone calls.

2.1.6.2 -Time spent consulting outside the regular work week is not counted as part of consulting time. However, any consulting done outside the regular work week is still considered- consulting by the University.

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Consequently, the University's policies and procedures for discourses and approval still apply.

- 2.1.6.3 -Special approval is necessary for consulting activity that requires an absence from campus  
-longer than 10 consecutive working days during the contract period at the University.

2.1.7. -Employees engaging in consulting do not represent the University. They cannot invoke the name and authority of the University as part of their services. Nor can reports be printed upon the University stationary.

2.1.8. -Travel Authorization forms must be filed as necessary.

2.1.9 -Approval must be obtained in advance for the use of University facilities and resources.  
There may be a fee involved in the use of such facilities and resources. Proof of professional liability insurance coverage may also be required.

2.2 -Any grievances regarding this policy or its implementation shall follow the appropriate grievance procedures (for faculty, policy 353; for staff, policy 230).

2.3 Approval for consulting can be revoked if unanticipated problems arise. Revocation of approval can be appealed in the same manner as a denial.

2.4 Failure to follow consulting policy will be reported to the Provost, who will impose appropriate sanctions.

3. EXPERT TESTIMONY PROFESSIONAL SERVICE WITHOUT RENUMERATION

3.1 Faculty and staff serve their professions through a variety of unpaid, discipline-related positions, including officer of a national or regional organization, journal editor, member of editorial board, and so forth. Such positions are not considered consulting. Because of their unique expertise, faculty or staff may be asked to serve as expert witnesses in a court of law. Because of the nature of the legal process, such activity may place the University employee in an unintentional adversarial position.

3.2 Therefore, University employees are encouraged to appear as "juris amici" (friend of the court) instead of as expert witnesses representing one party. If a University employee serves as an expert witness for compensation, the University Consulting Form must be completed and approved, and the consulting guidelines apply.

4. PROFESSIONAL SERVICE WITH REMUNERATION (HONORARIA)EXPERT TESTIMONY

4.1. -Because of their unique expertise, faculty or staff may be asked to serve as expert witnesses in a court of law. Because of the nature of the legal process, such activity may place the University employee in an unintentional adversarial position.

4.2. -University employees are encouraged to appear as "juris amici" (friend-of-the-court) instead of as expert witnesses representing one party.

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4.3 Faculty and staff acting as expert witness before a court of law is considered a form of consulting when they are paid for their expertise by an interested party before the court. Consequently, the consulting guidelines apply. Faculty and staff receiving payment as an expert witness must complete the University Consulting Form and submitted for approval to their Chair, Dean, and Provost.

4.1 University employees are encouraged to provide public service by making presentations to various groups and organizations or serving on proposal review committees. Often the employee may be given an honorarium in appreciation of such service.

4.2 An honorarium is defined as a monetary gift which is meant to express appreciation or honor to the recipient which is not covered under the consulting policies.

4.3 Employees can accept honoraria from non-NDSU or non-State (North Dakota) related entities. Unless the consulting policy applies, employees shall regard the services for other departments within the University or for other state agencies or entities for which they might receive honoraria as part of their public service obligation and refuse or return such honoraria.

#### 4.5. PROFESSIONAL SERVICE WITH REMUNERATION (CONSULTING) OUTSIDE TEACHING

5.1 Teaching a course or teaching a substantial portion Employees of NDSU are often requested to provide professional expertise as consultants to private agencies, governmental (state and national) agencies, industries, or individuals for which they receive remuneration or retainer fees. In general, the following policies must be followed when participating in consulting activities. For purposes of this policy, teaching a course or teaching a substantial portion of a course for another educational institution or other business or organization shall be treated as consulting and governed by this policy. This policy applies to both teaching in person or by means of an electronic communication. of a course for payment for another educational institution, private companies, nonprofits, governmental agencies, or individuals is considered a form of consulting. University policy applies whether such teaching is done in person or via electronic communication.

5.1.7 Travel Authorization forms must be filed as necessary.

5.1.8 Special approval must be obtained in advance for the use of University facilities and resources which may require payment of a reasonable fee, and the individual is responsible for payment of these fees. If University facilities or equipment is used, proof of professional liability insurance coverage for consulting activities may be required.

5.2 Grievances for matters involving this policy shall follow the appropriate grievance procedure (faculty, policy 353; staff, policy 230).

5.3 Approval for consulting or other external activities may be revoked if unforeseen problems occur after the initial approval. The revocation of approval may be appealed in the same manner as a denial.

5.4 Failure to follow this policy will be reported to the President who may impose sanctions that are appropriate to the seriousness of the violation.

#### 6. RESPONSIBILITIES PROFESSIONAL SERVICE WITH REMUNERATION (HONORARIA)

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6.1. University employees can serve the public by making presentations on their area of expertise before governmental, nonprofit, and private organizations. Employees may receive an honorarium from an organization in appreciation of such service.

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6.1 Individual

- 6.1.1 obtain prior approval, completing Consulting Authorization Request form prior to initiation of consulting activity;
- 6.1.2 ensure that activity does not conflict with primary responsibilities;
- 6.1.3 ensure activity does not pose an actual or potential conflict of interest;
- 6.1.4 maintain appropriate records of consulting activities;
- 6.1.5 do not use College or University endorsement;
- 6.1.6 secure advance approval to use University equipment, and make any necessary payments;

6.2 -An honorarium is defined a one-time monetary gift meant to express appreciation to the recipient for a particular service. Such gifts are not considered consulting.

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6.2 Department Chair, Director

- 6.2.1 evaluate all requests for interference with normal duties or conflicts of interest;
- 6.2.2 identify and resolve any actual or potential conflicts of interest;
- 6.2.3 review requests to determine that they meet policies of University;
- 6.2.4 forward recommendation to Dean;
- 6.2.5 ensure activities are reviewed annually.

6.3 Dean, Director

- 6.3.1 review recommendation from Chair;
- 6.3.2 review any special circumstances;
- 6.3.3 forward recommendation to the appropriate Vice President.

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7. -RESPONSIBILITIES

7.1 Employee

7.1.1 obtain prior approval, complete Consultant Authorization Request form prior to engaging in consultation activity;

- 7.1.2 ensure activity does not conflict with primary responsibilities;
- 7.1.3 ensure activity does not pose an actual or potential conflict-of-interest;
- 7.1.4 maintain appropriate records of consulting activities;
- 7.1.5 do not use College or University endorsement;
- 7.1.6 secure advance approval to use University equipment or facilities, and make any necessary payments for use of that equipment or facilities.

7.2 Department Chair/ Head, Director

- 7.2.1 evaluate all requests in terms of interference with normal duties
- 7.2.2 identify and resolve any actual or potential conflicts-of-interest;
- 7.2.3 determine that the request meets University policies;
- 7.2.4 forward recommendation to Dean;
- 7.2.5 ensure activities are reviewed annually.

7.3 Dean, Director

- 7.3.1 review recommendation from Department Chair/ Head or Director
- 7.3.2 review any special circumstances;
- 7.3.3 forward recommendation to the Provost.

7.4 Provost

- 7.4.1 review recommendations from Department Chair/Head or Director, and Dean, Director.
- 7.4.2 responsible for final decision.

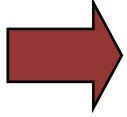
HISTORY:

New	September 1995
Amended	November 1997
Amended	February 1998
Amended	September, 1995
Amended	October 2000
Amended	October 2003
Amended	October 2007
Amended	January 2008
Housekeeping	February 14, 2011
Amended	November 29, 2015



# Policy Change Cover Sheet

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



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

## SECTION: 611.1 International Travel for Students

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: NEW POLICY PROPOSED – This policy is intended to formalize a procedure for students participating in any travel outside the United States for University-related purposes which includes any travel not part of the fifty states and District of Columbia (Washington, D.C.). The purpose is to ensure that the Office of International Student and Study Abroad Services is aware of the location of students while traveling and also ensuring proper international travel/health insurance is in place during the duration of the travel period. While it is a student policy, we want faculty and staff to be apprised of the information so as to encourage students to apply through ISSAS as appropriate for the type of travel planned.
2. This policy change was originated by (individual, office or committee/organization):
  - International Student and Study Abroad Services – 5/6/2016
  - Alicia Kauffman, Director

*This portion will be completed by Mary Asheim.*

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: 9/12/16

Faculty Senate:

Staff Senate: 9/14/16

Student Government: 10/2/16

President's Cabinet: 9/14/16

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# North Dakota State University

## Policy Manual

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### SECTION 611.1

#### International Travel for Students

SOURCE: NDSU President

1. **POLICY STATEMENT**- North Dakota State University (NDSU) promotes the health, safety, and security of all students while traveling outside the United States for University-related purposes. The University reserves the right to cancel any international activity at any time due to health, safety, or other concerns. Any planned or anticipated travel to a country or region under a travel warning or travel alert as designated by the U.S. Department of State is subject to review and approval and modifications or cancellations by appropriate administrators and the Office of International Student and Study Abroad Services. Current travel conditions can be reviewed on the U.S. Department of State website at: <http://travel.state.gov>
2. **SCOPE** - This policy applies to student travel outside of the United States for University-related purposes. Examples of such travel, which may include, but is not limited to, are to study; to perform research; to participate in internships; to perform service; to present work at conferences; to teach; to perform or participate in athletic competitions. For purposes of this policy, outside of the United States refers to locations not included in the fifty states and District of Columbia (Washington, D.C.).
  - 2.1 Student travel that falls under this policy may be sponsored by an academic department, university unit, or Congress of Student Organization (CSO) recognized student organization. This policy applies to NDSU-affiliated student travel with or without university funding.
  - 2.2 Questions about whether or not this policy applies to a particular type of student travel may be directed to the Office of International Student and Study Abroad Services.
3. **DEFINITIONS**
  - a. An **organized event** is one that is initiated, planned, or arranged by a member of the University's faculty or staff, or by the members of a recognized student organization, and is approved by an appropriate administrator.
  - b. A **sponsored event or activity** is one that the University endorses by supporting it financially, or by sending students to participate in it as official representatives of the University.
  - c. An **enrolled student** is one who has been admitted to and is attending classes at the University.
  - d. An **appropriate administrator**, for the purpose of student travel, is the President, Provost, dean, department chair, or head of an administrative unit, or their delegate.
  - e. A **program leader** is the faculty or staff responsible for managing or coordinating all aspects of group student travel in coordination with the Office of International Student and Study Abroad Services.

- f. A **student program leader** is the individual responsible for managing all aspects of the student travel, including participation in the program. The program leader serves as a liaison between the group and the University. Student program leaders must be in good standing (academic and conduct) with NDSU.

4. **TRAVEL AUTHORIZATION** - International travel governed by this policy must be authorized in advance. In order for students to obtain travel authorization, they must complete the appropriate process by the corresponding deadlines that occur each semester. If the travel experience does not have a set application process, the required process should be completed according to the general study abroad deadlines of March 1 and October 1, respectively. Completion of the required process is based on the type of program outlined below:

- 4.1 **(For Academic Credit)** – Acceptance into an officially recognized exchange, direct, affiliate or faculty-led program or by following the approval process to participate on a non-NDSU program. In these instances, please complete the steps as outlined through the application process for study abroad options through the Office of International Student and Study Abroad Services.

**(Not for Academic Credit)** – Submit all required information through the International Travel Registry as outlined through the Office of International Student and Study Abroad Services to provide detailed information about international travel dates and destinations and purchase university approved health insurance that cover the dates of travel.

Participant Category	Required Process
Individual Student (for academic credit)	Study Abroad Application
Individual Student (not for academic credit)	International Travel Registry
Group Travel with Program Leader (for academic credit)	Study Abroad Application
Group Travel with Program Leader (not for academic credit)	International Travel Registry
Student Organization Group Travel with Student Program Leader	Student Organization Travel Registry

5. **CONDITIONS OF PARTICIPATION, RELEASE FORMS AND EMERGENCY SITUATIONS** – Students must read and electronically sign the Conditions of Participation agreement. This agreement outlines requirements, expectations, and responsibilities when participating in any NDSU study abroad program. Students may be required to sign other release forms as necessary; students are required to complete a health questionnaire after acceptance into a study abroad program.

- 5.1 In the event of an emergency, students are required to follow the instructions provided by ISSAS including any applicable health insurance provider instructions relevant to the

program. Students agree to update ISSAS with current and correct contact information, including email address, physical address and phone number.

6. **STUDENT CONDUCT AND REMOVAL FROM PROGRAM** - While abroad, students are bound by policies in the *NDSU Rights and Responsibilities: A Code of Student Conduct*, by the rules of the foreign institutions, and by the laws of the geographical location of the program. NDSU may take disciplinary action against students who violate the Code of Student Conduct while participating in a study abroad program.
  - 6.1 The program leader or institutional representative is granted reasonable discretion in determining what constitutes a violation and determining appropriate handling of such matters as they arise. Program leaders have the option of initiating reasonable disciplinary actions for misconduct.
  - 6.2 If the program leader or institutional representative determines, in consultation with the Assistant Vice President and Dean of Student Life or designee, that the student's continued association with the program poses a significant risk of harm to the student or puts the health or safety of other program participants, the academic integrity of the program, or the relationship with the foreign institution or other partners or country at risk, the student may be immediately removed from the program. All expenses incurred due to such removal, including any costs associated with program enrollment, are the responsibility of the student.
  - 6.3 In the event of removal from the program, the student must vacate the facilities provided by the program and will be withdrawn from all course work associated with the program. In the event of removal, the student remains responsible for all costs associated with program enrollment, without recourse to a refund.
7. **NON-COMPLIANCE** - Students who fail to comply with this policy will be subject to disciplinary action under the processes outlined in the Code of Student Conduct. Faculty and staff who fail to comply may have their right to participate in study abroad programs involving students revoked in addition to any other sanctions that may be imposed by NDSU. Appeals of sanctions follow normal NDSU policy.

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HISTORY:

New

## Policy Change Cover Sheet

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**SECTION:** Policy 155 Alcohol and other drugs: unlawful and unauthorized use by students and employees

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

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

Section 1: campus and surrounding communities; provides greater clarity for intended population included this policy; sexual assault victimization; removes language to be consistent with Sexual Assault Prevention and Advocacy program

Section 2: alcoholic beverages and products (hereafter referred to as "alcohol"); updated to include products containing alcohol for the purpose of human consumption that may not be considered beverages (e.g. powdered alcohol or alcohol-infused foods).

Section 3: may refer students...may also refer NDSU employees...; distinguishes the different referral process and available resources for students and University employees.

Section 4.1 – 4.2: updates to terms for consistency within policy document

Section 4.3: Acceptable low-risk use of alcohol may vary...Prevention Program website; Additional reference added for operationalizing term "low-risk use."

Section 4.4: Moved to new paragraph (previously in subsection 4.3) for improved clarity.

Section 4.5 – 4.8: updates to terms for consistency within policy document

Section 4.9: NDSU student media as governed by the Board of Student Media) is not subject...; updates name and structure of oversight board for NDSU student media outlets.

Section 4.11: Though alcohol consumption...any use of marijuana on campus property or at University sponsored or hosted events is strictly prohibited.; New subsection addresses concerns related to the illegal use of illicit drugs and/or otherwise legal substances, with particular reference to marijuana due to the ever-changing legal and cultural climate surrounding its use.

Section 5.1.1: No action (if alleged conflicts prove to be unfounded); removes phrase to be consistent with previous paragraph (section 5.1) which indicates proof of alleged conduct is determined.

Section 5.1.1: Good Samaritan: All students...protection under this policy. Update needed to be consistent with Student Code of Conduct handbook.

Section 5.2: It is important that faculty and staff supervisors...; update clarifies differing reporting lines between Faculty and Staff supervisors for notifying the University of employee Federal Drug-free workplace violations.

Section 5.2 – 5.2.2: Includes term updates for consistency within policy document

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

- Policy Task Force, President's Council on Alcohol and Other Drugs /Nicklaus Redenius date submitted 04/22/2016
- [nicklaus.redenius@ndsu.edu](mailto:nicklaus.redenius@ndsu.edu)

*This portion will be completed by Mary Asheim.*

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:** 5/16/16

**Faculty Senate:**

**Staff Senate:**

**Student Government:** 10/2/16

**President's Cabinet:** 9/14/16

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## North Dakota State University Policy Manual

### SECTION 155

#### ALCOHOL AND OTHER DRUGS: UNLAWFUL AND UNAUTHORIZED USE BY STUDENTS AND EMPLOYEES

SOURCE: NDSU President  
SBHE Policy Manual, Section 918

1. NDSU complies with and supports the North Dakota State Board of Higher Education policy governing alcohol use on campus, the [Drug Free Workplace Act of 1988](#), Public law 100-690 and the [Drug-Free Schools and Communities Act Amendments of 1989](#), Public Law 101-226, and [2 CFR § 182.215](#).

North Dakota State University has a genuine caring concern for the community in which it lives and for its people. For this reason, the university is committed to maintaining an academic and social environment that is conducive to the intellectual and personal development and the safety and welfare of all members of the university community.

This policy statement has been established because NDSU:

- is committed to changing the culture that perpetuates the misuse and abuse of alcohol and other drugs;
- is concerned with promoting the well-being of our ~~community~~[campus and surrounding communities, including visitors to campus](#);
- believes that the solution to alcohol and other drug misuse and abuse will require a community ~~wide solution~~[approach](#).

The misuse and abuse of alcohol and other drugs represents a major health problem in the United States today and poses a serious threat to the health and welfare of the NDSU community. In addition, alcohol and other drug abuse consequences can limit career choices and achievement. NDSU has gathered data that demonstrates that high-risk drinking among students is significantly associated with violence, memory loss, driving under the influence (DUI), sexual assault-~~victimization~~, lessening of academic performance, estrangement of social relationships and property damage. Studies outside the university show that alcohol misuse can result in serious bodily injury, illness, or death. This policy applies to all NDSU students and employees, as well as visitors to campus.

2. The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land or in buildings owned by the Board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences, fraternities and sororities (in certain circumstances), the President's residence, and other special exceptions as granted by the President or the President's designee. For the complete State Board of Higher Education policy see [SBHE Policy 918: Alcoholic Beverages](#).

The University prohibits the *unlawful or unauthorized* use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and ~~products (hereafter referred to as "alcohol")~~, [as well as](#) any illicit drugs or drug paraphernalia in University buildings, any public campus area, in

University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations (including all fraternities and sororities).

For NDSU employees, non-compliance with this policy could result in disciplinary action up to and including termination of employment (see section 5.2).

For NDSU students and student organizations, non-compliance with this policy could result in disciplinary action up to and including suspension, expulsion or loss of status as a registered student organization (see section 5.1).

3. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students to the NDSU Counseling Center (701-231-7671), or to agencies outside of NDSU for evaluations and/or treatment for alcohol- or other drug-related problems. and NDSU personnel may also refer NDSU employees to the NDSU Counseling Center or to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the [Employee Assistance Program](#). Employees may refer students in need of services to the Counseling Center at (701) 231-7671. Faculty, staff, and students can access information on available drug and alcohol prevention programs the university offers by going to the [Alcohol and Other Drug Prevention Programs website](#).

3.1 Organizations are required, by Federal Regulation ([2 CFR § 182.215](#)), to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of drug abuse in the workplace. Information on the health risks of [alcohol abuse](#) and [drug abuse](#) can be found at the U.S. National Library of Medicine and the National Institute for Health. Additional information can be found at the [Alcohol and Other Drug Prevention Programs website](#).

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

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

4.2 Sale of ~~alcoholic beverages~~ by students, employees and their respective campus organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sales such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.

4.3 Off-campus activity conducted by students and employees, and their respective campus organizations shall not encourage excessive and/or rapid consumption of ~~alcoholic beverages~~. The use of alcohol at any such events is expected to be lawful and low risk. Acceptable low-risk use of alcohol may vary due to certain individual considerations. For further information about low-risk alcohol consumption, see the Alcohol and Other Drug Abuse Prevention Program website.

4.3.4 Registered student organizations planning off campus events at which alcohol may be available must complete and file with the Student Activities Office the [NDSU Event Risk Management Planning Notification Form](#). When planning an off-campus work related event where

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alcohol will be present, employees with questions about low-risk guidelines should contact the [Director of Human Resources/Payroll, SGC Building](#).

~~4.4.4.5~~ University sponsored events that are held at locations off campus, and at which alcohol may be present, are required to adhere to this policy. In addition, if alcohol will be served at the event, the sponsor(s) of the event should ensure compliance with N.D.C.C. [§ 5-02-06\(4\)](#) regarding individuals under twenty-one years of age at events where alcohol is served. Sponsors need to be aware of both potential civil and criminal liability for knowingly serving alcohol to minors or obviously intoxicated persons (N.D.C.C. [§ 5-01-06.1](#), [§ 5-01-09](#)). Oversight of the distribution and consumption of alcohol is required at such events in order to manage risk. If the event is to be held on public grounds, e.g., Fargo parks, the sponsor(s) of the event is/are required to obtain the appropriate permit for the event per [N.D.C.C. § 5-02-01.1\(2\)](#). See, for example, the [Park District of the City of Fargo Alcoholic Beverage Policy](#).

~~4.5.4.6~~ ~~Alcoholic beverages~~ shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective campus organizations, on or off- campus.

~~4.6.4.7~~ The public display of advertising or promotion of the use of ~~alcoholic beverages~~ in University buildings or any other public campus area including all University owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, and large inflatable advertising, etc. (Entities that lease commercial or research property from the university may be excluded. However, the University may, in these leases, include provisions that will assist in its effort to promote legal and safe use of alcohol and to change the culture that perpetuates alcohol and other drug misuse and abuse.)

4.8 Alcohol promotional activities including advertising shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off-campus. This includes, but is not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising.

4.9 Advertising of alcohol shall not appear in University controlled or affiliated publications (including University affiliated web sites). Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.\*

\*Student Media (Bison Information Network, the Spectrum, Thunder Radio)  
NDSU student media (as governed by the Board of Student Media) is not subject to the advertising portion of this university policy due to first amendment provisions of the US Constitution and State Board of Higher Education Policy 507. Student media organizations are accountable to the Board of Student Media for standards of conduct. Because of the belief that advertising perpetuates the culture of high-risk and underage drinking, the established boards of NDSU Student Media may, if they choose to accept revenue for advertising alcohol, decide to adopt guidelines compatible with this policy. Student Media organizations shall comply with all federal laws relating to advertising of alcohol or other drugs.

- a) Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for one, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.
- b) Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic

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- c) Advertising of establishments that sell alcohol shall not associate consumption of alcohol with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.
- d) Advertising of establishments that sell alcohol shall include a statement of low-risk such as "know when to say when" or "please use our products legally and in a responsible manner".

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

4.74.11 Though alcohol consumption is legal for individuals over 21 years of age, and the most commonly used drug by young adults, the focus of this policy is not limited to alcohol. The misuse of illicit and/or otherwise legal prescription drugs poses a significant threat to student well-being and undermines the student-focused goals of the University. The use of marijuana, including recreational and medicinal uses, is strictly prohibited under Federal law. As such, any use of marijuana on campus property or at University sponsored or hosted events is strictly prohibited.

4.8—Advertising of alcoholic beverages shall not appear in University controlled or affiliated publications (including University affiliated web sites). Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.\*

\*Student Media (Bison Information Network, the Spectrum, Thunder Radio) NDSU student media (as governed by the Media Advisory Board (MAB)) is not subject to the advertising portion of this university policy due to first amendment provisions of the US Constitution and State Board of Higher Education Policy 507. Student media organizations are accountable to their established boards (MAB-Bison Information Network; Board of Student Publications Spectrum, MAB-Thunder Radio) for standards of conduct. Because of the belief that advertising perpetuates the culture of high risk and underage drinking, the established boards of NDSU Student Media may, if they choose to accept advertising for alcoholic beverages, decide to adopt guidelines compatible with this policy. Student Media organizations shall comply with all federal laws relating to advertising of alcohol or other drugs.

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

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~~as "know when to say when" or "please use our products legally and in a responsible manner".~~

~~4.9 Unless otherwise authorized by the President of the University, the use of alcoholic beverages during all events held on the NDSU campus is strictly forbidden (including concerts, theatrical performances, athletics events, workshops, etc.).~~

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

5.1 Sanctions-Students and Student Organizations: Individual students and student organizations (including fraternities, sororities, residence hall associations and registered student organizations) who are found in violation of the University policy on alcohol and other drugs are subject to one or more of the following sanctions, dependent upon the severity of the violation and the existence or absence of prior alcohol or other drug violations: (For a more complete description of these sanctions and terms and conditions see [Code of Student Conduct](#).)

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

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

- a. Warning (oral or written).
- b. Conduct probation (with or without supervision).
- c. Suspension.
- d. Emergency suspension.
- e. Expulsion.

- 5.1.32 With each sanction, other restorative actions or other terms and conditions may be assigned. In addition, notification may be given to other university officials as necessary. Terms and conditions include, but are not limited to:
- a. Restitution.
  - b. Confiscation.
  - c. Restricted access to University facilities/removal from Residence Halls.
  - d. Loss of privileges (including status as a registered student organization).
  - e. Required participation in a specific program (i.e., counseling, drug and/or alcohol education).
  - f. Educational sanction/project (i.e., reflection paper or research).
  - g. Registration/Graduation Hold.

*NOTE: These sanctions and terms and conditions need not necessarily be applied in any numerical sequence. Any sanction may be chosen from this list for any violation, dependent upon its severity, and the behavioral history of the involved student(s) or student organization.*

Individual student behavioral actions and or student organization behavioral actions will be adjudicated as assigned by the Assistant Vice President/Dean of Student Life or designee.

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*Good Samaritan:*

~~Students and student hosts have the responsibility to ensure the well-being of their guests wherever events occur. If an individual or guest needs emergency medical attention, students and student hosts are required to call an ambulance or other appropriate emergency personnel (ambulance, police, fire, etc.) to gain that assistance. Students and student hosts who fail to carry out this responsibility may be subject to serious university sanctions and may be potentially subject to additional civil and/or criminal liability. Students and student hosts who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose.~~  
All students are expected to protect the well-being of fellow students and others wherever events occur. If a person needs emergency medical attention, particularly results from the use of alcohol or other drugs, students are expected to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Students/student organizations who fail to respond appropriately may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability.

Students who appropriately report will not be subject to the Student Conduct process for charges related to alcohol or drug use, nor will the incident become part of the student's conduct record. However, all students [including the student(s) needing assistance and reporter(s)] may be required to have an educational meeting with university personnel. This protection may not apply if other conduct violations occurred within the same incident. This protection will only apply once in a two year period. Subsequent incidents will not be eligible for protection under this policy. See [Code of Student Conduct](#).

*Parental Notification:*

Parents or guardians of students under 21 may be contacted by an NDSU student affairs administrator following alcohol and/or other drug related incidents:

- If a student is found responsible for violating the University's alcohol/drug policy that results in a University referral for assessments or evaluations for chemical dependency, and/or when University judicial sanctions of Conduct Probation or greater are assigned.
- Based on situations that appear to endanger the health, safety, or life of other persons or the student.
- If an individual is involved in incidents that resulted in significant property damage.
- If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol or other drugs.

See [Student Life](#) website for the full policy and rationale.

*Financial Aid Eligibility:*

A federal or state drug conviction can disqualify a student from receiving federal financial aid funds. The conviction must have occurred during a period of enrollment for which the student was receiving Title IV aid (i.e., Federal Pell Grant, Federal Perkins Loan, Federal Direct Loan, etc.). Depending on whether the conviction was for sale or possession and if the student has previous offenses, the period of ineligibility can range from one year to an indefinite period. The student regains eligibility the day after the period of ineligibility ends or when the student

successfully completes a qualified drug rehabilitation program as defined in the [Higher Education Opportunity Act of 2008, § 485\(a\)\(7\)\(c\) and \(a\)\(9\)](#).

## 5.2 Notice and Sanctions - Employees

Individual employees who are found in violation of the University policy on alcohol and other drugs by their supervisors will be reported to the Director of Human Resources/Payroll for consultation prior to action. For potential actions see 5.2.1 and 5.2.2.

Any employee arrested under circumstances involving an alleged violation of a criminal drug or alcohol-~~beverage~~-related statute while in his or her workplace, whether on or off campus; in a University vehicle; or as part of any activity the University initiates or takes part in must notify his or her immediate supervisor within five days of the arrest. An arrest and/or failure to report an arrest, depending on the circumstances may be grounds for actions or sanctions. The status of the criminal proceeding is a factor the supervisor may take into consideration. It is important that ~~the faculty and staff~~ supervisors seek advice from the [appropriate, designated University contact](#). ~~Staff supervisors should contact the~~ Human Resources/Payroll Director, ~~and Faculty supervisors should contact~~ the Office of the Provost, before taking action in arrest situations.

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

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

- 5.2.1 Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;
- 5.2.2 Disciplinary action for a violation of university alcohol or drug policy up to and including termination of employment. Disciplinary action may include one or more of the following:
  - a. Warning/reprimand;
  - b. Ineligibility to receive the next available annual salary increase;
  - c. Suspension without pay for up to 5 days;
  - d. Termination of employment; or
  - e. Any combination of the above sanctions.

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

### Work attendance while under the influence:

Unlawful consumption of alcohol ~~beverages~~ or use of illegal drugs, being at work while under

the influence of alcohol or drugs, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of the NDUS are prohibited. See [Policy 151 Code of Conduct](#) (for employees).

*Local, State and Federal Laws:*  
In compliance with the [Drug-Free Schools and Communities Act Amendments of 1989](#) a summary of local, state and federal laws related to alcohol and other drugs can be found at the [Alcohol and Other Drug Prevention Programs website](#).

A paper copy of this policy is available from the [Human Resources/Payroll Office](#) (for employees) and ~~Bison Connection~~[Bison Connection](#)~~One Stop~~ (for students).

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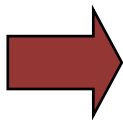
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HISTORY:

New	March 18, 1989
Amended	December 1992
Amended	October 1999
Amended	April 2003
Amended	October 2003
Amended	January 2004
(renumbered) Amended	April 2010
Amended	March 25, 2011
Housekeeping	August 18, 2011
Housekeeping	May 22, 2012
Housekeeping	June 12, 2013
Housekeeping	August 27, 2013
Housekeeping	September 2015

## Policy Change Cover Sheet

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### SECTION:

### SECTION 325, ACADEMIC FREEDOM

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: *Reorganization and clarification of the General Principles, Faculty, Students and Gest Presenters sections of Policy 325.*
2. This policy change was originated by (individual, office or committee/organization):
  - *Faculty Senate Ad Hoc Committee to revise Policy 325, Academic Freedom, submitted 28 April, 2016*
  - Email address of the person who should be contacted with revisions: [dennis.cooley@nds.edu](mailto:dennis.cooley@nds.edu) or [kent.rodgers@nds.edu](mailto:kent.rodgers@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 5/16/16

Faculty Senate:

Staff Senate: 9/14/16

Student Government: 10/2/16

President's Cabinet: 9/14/16

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# North Dakota State University

## Policy Manual

Policy 325, V1, 04/28/2016

### SECTION 325

#### ACADEMIC FREEDOM

SOURCE: SBHE Policy Manual, Section 401.1

1. *General principles:* The primary responsibility of the academic community is to provide for the enrichment of intellectual experience. Essential to the realization of this ideal is a free and open academic community, which takes no ideological or policy position itself. ~~However, the responsible academic community welcomes those who do take an ideological or policy position and zealously guards, with vigilance, their right to do so. Conflict of ideas cannot occur unless there is opportunity for a variety of viewpoints to be expressed. Toleration of what may be error is an inescapable condition of the~~ Thus, its meaningful pursuit of truth requires the academic community to be tolerant of disparate thinking and. The academic community must be hospitable, even to closed minds, and it must further welcome the conflict of ideas likely to ensue. Academic freedom responsibility to provides a safe haven opportunity for for the expression of diverse points of view generates academic freedom by faculty, students and guests of the University, free from interference by administrators, SBHE members or other government officials.
2. *Faculty:* ~~Faculty are entitled to full freedom in research and in the publication of results subject to the adequate performance of their other academic duties. They are also entitled to freedom in lecturing or conducting demonstrations in their subject or field of competence. They~~ Members of the faculty are as entitled as any other member of the community in which they live to establish membership in voluntary groups, to seek or hold public office, to interact with their elected officials, to express their opinions as individuals on public questions and to take action in accordance with their views. Cognizant of their responsibilities to their profession and to their institution, faculty accept certain obligations; they should attempt to be accurate, to exercise sound judgment and to respect the right of others to express opinions. They must make clear that their actions, statements and memberships do not necessarily represent the views of either NDSU, or the ND University System. If there are controls to be exercised over faculty members, they are the controls of personal integrity and the judgment of their colleagues.
  - a. *Research and creative activities:* Members of the faculty have full freedom to pursue their research and/or creative activities and to publish their results, free from ridicule, recrimination, or reprisal by colleagues, administrators, SBHE members or other government officials. They are free to involve interested students and other professionals in their University research and to pursue extramural funding to support it.
  - a.b. *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.

~~Cognizant of their responsibilities to their profession and to their institution, faculty accept certain obligations; they should attempt to be accurate, to exercise sound judgment and respect the right of others to express opinions. They must make clear that their actions, statements and their memberships do not necessarily represent the views of the academic community. If there are~~



~~controls to be exercised over faculty members, they are the controls of personal integrity and the judgment of their colleagues.~~

2-3. Students: ~~Academic freedom affords students the right to be taught by instructors who are unconstrained by institutional and governmental political forces~~ ~~Students are entitled to be taught by unfettered teachers~~ and to have access to all views and information pertinent to their subjects of study. They have the right to the widest possible latitude in selecting their plan of study and their instructors. ~~They are entitled to as complete freedom as possible in selection of their curriculum, their teachers, and their associates.~~ Moreover, they have a right to intellectual disagreement with their instructors and ~~their associates~~ classmates, and to question them without fear of ridicule, ~~or~~ recrimination or punishment ~~reprisal~~. ~~Academic freedom does not afford students the right of protection from exposure to ideas or points of view divergent from their own, even if they find them repugnant or offensive.~~ ~~Students~~ They are ~~also~~ also entitled to seek the publication of their views, to seek membership in ~~voluntary~~ groups, to seek or hold public office, and to take lawful action in accordance with their views. ~~Students also have the responsibility~~ During academic discourse, students are responsible for being informed and respectful of others. They are further responsible to make clear that their actions, memberships and statements ~~do not~~ represent neither the views of NDSU, nor the ND University System ~~academic community~~.

3-4. Guest speakers, movies, theatrical presentations, exhibits and other programs: Adherence to the tenets of academic freedom precludes colleges and universities from denying persons or organizations, even those with whom its students, faculty, administrators or SBHE members may disagree, the right to freedom of expression. Particularly pertinent to this issue is the above assertion that a free and open academic community takes no ideological or policy position itself. Accordingly, the university must not enact explicit policy or act upon any implicit ~~A college or university by its very nature cannot pay lip service to the concept of freedom of expression and then deny persons with whom it is in disagreement the opportunity of giving expression to their views.~~ Furthermore, a policy that extends the right of freedom of expression to some persons and denies while denying it to others, as this would places the institution in the position of endorsing aligning itself ideologically with the past record and views of those who are given permission ~~permitted~~ to speak ~~present or perform~~. Therefore, guest ~~a~~ speakers, performers, or programs may be presented under the sponsorship of any duly recognized NDSU student, faculty, or administrative organization or any individual officer of instruction, regardless of the views they promote. ~~It is not necessary that the point of view presented be congenial to the campus, members of the staff or student body individually, or to individual members of the wider community.~~ The speaker must, to the most reasonable extent possible, be extended ~~be accorded~~ the courtesy of an uninterrupted presentation. Except for ceremonial occasions, such as graduation addresses and facility dedications, questions must be permitted from the floor after the presentation. ~~s~~ Speakers must accept, as condition of their appearance, the right of their audience to question or challenge statements made in their address. They must further accept their responsibility to promptly address those questions and statements. ~~Questions must be permitted from the floor unless prevented by physical limitations, or the size of the audience.~~ The invitation or scheduling of such an event ~~program~~ must represent the desire of the institutional sponsor and not the will of external individuals or organizations. The sponsor must establish full responsibility for the program and should help to make clear that the views expressed in an address or performance do not necessarily represent those of NDSU or the ND University System. ~~establish the concept that the point of view expressed in an address or performance does not necessarily represent the position of the academic community. Such presentations must at all times be consistent with the laws of North Dakota and the United States.~~

## Attachment 8

### HISTORY:

New	May 11 1984
Amended	April 1992

### Article III: Senate Committees

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

Section 2. The Faculty Senate shall confirm the membership of all standing committees, except the Standing Committee on Faculty Rights.

Section 3. Committees shall determine their own procedural rules. However, no committee shall conduct business without a majority of members present. Each committee will keep such records as necessary to conduct business. In addition, every Faculty Senate Committee (except Academic Integrity, Conflict of Interest Advisory, Executive, Faculty Rights, and Grade Appeals) will make an oral report of progress (5 minutes) at the May meeting of the Faculty Senate or, at the President of the Faculty Senate's request, submit a written report at the end of the academic year.

Section 4. Individual representation units will determine their own methods for selecting members of standing committees consistent with Articles IV and V. Unit representatives shall be faculty members as defined by the Faculty Senate's Constitution, unless otherwise specified under the committee description. Such membership shall be presented to the Faculty Senate at the first meeting of each academic year. Committee members will serve two-year terms for at most four consecutive years, unless otherwise specified under the committee description. Committee service begins and ends at the last senate meeting of spring semester, unless otherwise specified.

### Section 11. Program Review

1. ~~1.~~ Membership shall consist of one tenured faculty member from each representation unit, a faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean, a faculty representative of the Provost's Office designated by the Provost, and two students selected by the Student Government. Each representation unit shall also select an alternate faculty member to serve in case of recusal.

2. ~~Each representation unit's member term shall be four years, with a maximum of two consecutive terms.~~

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

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### SECTION: 350.4 BOARD REGULATIONS ON HEARINGS AND APPEALS

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:
    - to remove superfluous text (e.g. 350.4 section 1, 6, and 8);
    - to address role of the hearing officer in deliberations (350.4 section 9); current policy does not address
    - to revise reporting procedure of the SCoFR's written report (350.4 section 11); Appropriate to have SCoFR forward its report to faculty member's chair/head and request reconsideration if the Committee concluded the chair/head did not give the issue adequate consideration. Consistent with AAUP Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments.
    - Amended on 4/13/15: 1) Inserted the word "only" in the final sentence of the paragraph after the word "matters" in section 9; 2) changed the number of calendar days from 20 to 21 in section 1.
2. **This policy change was originated by (individual, office or committee/organization):**
  - Robert K. Sylvester, PharmD, Chair Standing Committee on Faculty Rights (Virginia Sublett)
  - ~~Robert.Sylvester@nds.edu~~ virginia.sublett@nds.edu

*This portion will be completed by Mary Asheim.*

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:** 6/8/2015

**Faculty Senate:** 4/13/2015

**Staff Senate:** 6/8/2015

**Student Government:** 6/8/2015

**President's Cabinet:** 6/8/2015

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## North Dakota State University Policy Manual

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### 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 ~~twenty-one calendar on-business~~ days from receipt by ~~the 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 and~~ 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~~one 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 NDSU Policy 350.3(4)~~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 NDSU Policy 350.3~~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.  
Deliberations by the Committee will be conducted without the hearing officer, although the hearing officer may be consulted by the Committee on procedural matters only.
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 shall generate a written report with its findings of fact, conclusions and recommendations, (collectively the "Committee's Decision"). The Committee's Decision shall be forwarded to the faculty member and the chair/head of the faculty member's department. Within twenty-one calendar days after receipt of the Committee's Decision, the chair/head of the faculty member's department shall submit to the president a copy of the Committee's Decision along with her/his written position either consenting to the Committee's Decision or disputing the committee's Decision. In drafting her/his response, the chair/head will consult with the department as she/he determines appropriate. After receipt of this material, 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, the Provost, the appropriate dean and chair/head within twenty-one calendar days of receiving the report. Both tThe faculty member ~~or and the~~ 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.

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## 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

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### SECTION:

### Policy 151: Code of Conduct

- 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 XXXX No
  - Describe change: The previous language was vague and ambiguous, such as what the requirements to be collegial and positive entailed. As a result, unfortunate misinterpretations of policy could adversely affect employment. The new language focuses on professional conduct with clearer guidance.
  - As per Matt Hammer:

Section 2. General Conduct, please add “the” to the first sentence of the second paragraph as shown below:

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

Additionally with Section 2., Subsection A.; Please add: “or as assigned by respective department or unit;”

NDSU requires all employees to act professionally in their interactions with others including:

A. Following training and job specific requirements as stated in the employee’s job description or appointment letter, or as assigned by respective department or unit;

Section 2., Subsection B. In the parenthetical.

(See Policy 100: Equal Opportunity and Non-discrimination Policy, Policy 325: Academic Freedom, or other relevant policies for guidance.)

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- This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted – Faculty and Staff Senates
  - Email address of the person who should be contacted with revisions - [dennis.cooley@nds.edu](mailto:dennis.cooley@nds.edu)

*This portion will be completed by Mary Asheim.*

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

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

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Faculty Senate:

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**President's Cabinet:**

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North Dakota State University  
Policy Manual

SECTION 151  
CODE OF CONDUCT

SOURCE: State Policy Manual, Section 308.1  
State Policy Manual, Section 611.4  
NDSU President

1. Introduction and Application.  
This Code of Conduct governs the State Board of Higher Education and its members and establishes minimum standards for all NDSU officers and employees. The Board and entire NDSU are committed to uphold the highest ethical and professional standards. All Board members and NDSU officers and employees must, at all times, comply with all applicable laws, regulations, policies and procedures. Activities that achieve results unlawfully or in violation of applicable policies or procedures or by unethical behavior - including, but not limited to, payments for illegal acts, indirect contributions, rebates, or bribery - are not tolerated and must be reported. All conduct must meet or exceed minimum standards established by law.

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2. General Conduct.  
The Board NDSU supports an environment that is free of discrimination or harassment. All NDSU Board members, officers and employees are expected to conduct themselves in a businesslike manner. Unlawful consumption of alcoholic beverages or use of illegal drugs, being at work while under the influence of alcohol or drugs, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of the NDSU, are prohibited. Violation of applicable laws or policies governing possession and use of alcoholic beverages or drugs, including the Drug Free Workplace Act, SBHE Policy 615 or NDSU Policy 155 Alcohol and Other Drugs – Unlawful and Unauthorized Use by Students and Employees, applicable system office or institution policies, are prohibited. Likewise, sexual or other harassment (including actions contributing to a hostile work environment) in violation of federal or state law, or SBHE Policy 603.1, or NDSU Policy 100 Equal Opportunity and Non-Discrimination Policy is prohibited.

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~~Officers and employees are expected to uphold the values of honesty, respect, integrity and trust. In addition, when interacting with one another and the public, all are expected to behave in a professional, collegial, cordial, civil, positive, respectful and ethical manner.~~

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~~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. Employees are expected to uphold the values of honesty, respect, integrity, and trust.~~

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~~NDSU requires all employees to act professionally in their interactions with others including:~~

- ~~A. Following training and job specific requirements as stated in the employee's job description or appointment letter, or as assigned by respective department or unit,~~
- ~~B. Respecting the value, creativity, and diversity of all persons, which includes diversity of opinions and professional approaches to doing things. (See Policy 100: Equal Opportunity~~

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and Non-discrimination Policy, Policy 325: Academic Freedom, or other relevant policies for guidance and Policy 325: Academic Freedom.)  
C. Contributing to an environment of respectful and productive working relationships with those with whom the person interacts, and  
D. Making good faith efforts to resolve differences constructively.

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3. Conflicts of Interest.

All ~~Board members, officers and~~ NDSU employees are expected to perform their duties conscientiously, honestly, and in accordance with the best interests of the ~~NDSU~~ NDSU. All ~~Board members, officers and~~ employees must comply with applicable federal and state laws. ~~Board members, officers and~~ employees may not unlawfully use their position or the knowledge gained as a result of their position for private or personal advantage. All ~~Board members, officers and~~ employees are responsible for their own actions. Any individual who has concerns or questions regarding a perceived or potential conflict or regarding application or interpretation of federal or state law or SBHE policy or NDSU policy is encouraged to communicate with a superior or appropriate administrative official at NDSU, with legal counsel attorney general.

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3.1 Conflict of Interest – Contracts.

An ~~officer of the North Dakota State Board of Higher Education~~ employee of NDSU authorized to sell or lease any property or make any contract in the ~~officer's~~ employee's official capacity is subject to the provisions of N.D.C.C. Section 12.1-13-03 and may not be interested in any such sale, lease or contract.

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Pursuant to N.D.C.C. Section 48-02-12, employees ~~of the Board~~ may not have any interest in a public construction or repair contract.

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An employee ~~of the Board~~ may not have an interest in any contract involving the expenditure of public or institutional funds entered into by ~~the institution NDSU~~ that the employee serves or by the ~~Board~~ unless:

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- a. N.D.C.C. Sections 12.1-13-03 and 48-02-12 do not apply; and
- b. The contract is approved by the NDSU President or designee ~~institution's chief financial officer~~ or, if the employee in question is the chief financial officer or president of an institution or an officer of the Board, by the Board, following full disclosure of the employee's interest.

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All employees involved in projects receiving federal funds shall consult applicable federal laws and regulations and comply with conflict of interest rules which may govern federal grants or other sponsored agreements.

An ~~officer or other~~ employee who violates this policy is subject to dismissal or other disciplinary action.

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Employees of NDSU authorized (including delegated authority) by Policy 712 to enter into contracts on behalf of the University must sign the North Dakota State University Conflict of Interest Disclosure Statement. All other employees will be provided notice about this Policy but need only sign the statement if they have a conflict. Notices and collection of statements shall be administered by the Purchasing Office.

Employees have an obligation to act in the best interests of NDSU. Any direct or indirect personal or financial interest which could create a conflict of interest or the appearance of a

conflict of interest in any agreement, transaction or relationship must be disclosed by the employee by completing and signing the North Dakota State University Conflict of Interest Disclosure Statement and submitting it to the employee's supervisor. This includes but is not limited to the disclosure of privately owned assets being used or otherwise commingled with state assets and participation in any foundation, business or public entity which may create a conflict with an employee's obligations to NDSU. See also NDSU Policy 152: External Professional Activities.

4. Outside Activities and Employment.

~~Board members, officers and employees~~ Employees share responsibility for good public relations, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the NDUS ~~NDSU~~ and is encouraged. However, ~~officers and~~ employees must comply with applicable federal and state laws, policies in Section 611 of the SBHE Manual and ~~related system office and institution~~ NDSU related policies. At all times, employees must avoid outside activities that create an excessive demand upon their time and attention, thus depriving the NDUS NDSU of their best efforts in fulfilling their job duties or that create a conflict of interest, or an obligation, interest, or distraction that interferes with the independent exercise of judgment in the ~~the NDUS~~ NDSU's best interest.

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5. Relationships with Clients and Suppliers; Conflicts of Interest.

~~Board members~~ are not NDUS employees and may have other full or part time employment and other professional, civic and personal responsibilities and activities, in addition to their part time service as Board members. Nevertheless, ~~Board members~~ must be familiar with and comply with applicable laws governing conflict of interest that apply to Board members and should strive to avoid other activities that create an obligation, interest or distraction that interferes with the independent exercise of judgment in the best interest of the NDUS. They should avoid investing in or acquiring a financial interest for their own accounts in any business organization that has a contractual relationship with the NDUS or NDUS institution, or that provides goods or services to the NDUS, if such investment or interest could influence or create the impression of influencing their decisions in the performance of their duties.

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~~6.~~ 5. Gifts, Entertainment and Favors; Kickbacks and Secret Commissions.

Excluding ~~on~~ de minimus contributions, such as purchase of a meal at reasonable value as part of a conference or other event with no conditions attached to such purchase and as permitted under applicable federal and state laws, ~~Board members, officers and~~ employees may not accept favor of any person or organization with whom or with which the NDUS or NDUS institution NDSU has, or is likely to have, business dealings. Similarly, ~~Board members, officers and~~ employees may not accept any other preferential treatment under circumstances that because of their position with the NDUS NDSU, the preferential treatment may influence or be perceived as influencing their official conduct. ~~Board members, officers and employees~~ may not receive payment or compensation of any kind from any source for NDUS NDSU duties and responsibilities, except as authorized under applicable law or NDUS and NDSU pay policies. Specifically, the acceptance of "kickbacks" or commissions in any form from vendors, suppliers or others is prohibited.

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7.6. NDUS NDSU Funds and Other Assets

~~Board members, officers and employees~~ who have access to NDUS NDSU funds and other assets in any form must follow the prescribed procedures for recording, handling, and protecting money and other assets as detailed in applicable NDUS NDSU procedure manuals or other explanatory materials. Any person who has information concerning possible fraud or dishonesty shall immediately report such information to a superior or ~~appropriate administrative official at NDSU.~~ to legal counsel ~~attorney general~~.

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~~Board members, officers and~~ Employees responsible for spending or approving expenditure of ~~NDUS~~ NDSU funds or incurring any reimbursable expenses must comply with all applicable laws and policies and use good judgment on behalf of the ~~NDUS~~ NDSU to ensure that good value is received for every expenditure. ~~NDUS~~ NDSU funds and all other assets are for ~~NDUS~~ NDSU purposes only and not for personal use or benefit. ~~NDUS~~ NDSU or other public equipment, supplies and other property or assets may not be used for private or personal use, except as authorized under SBHE Policy 611.5 or other applicable law or NDSU policy.

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#### 8. ~~7.~~ NDSU Records and Communications.

Accurate and reliable records of many kinds are necessary to meet ~~NDUS~~ NDSU legal and financial obligations and to manage the affairs of the ~~NDUS~~ NDSU. ~~NDUS~~ NDSU books and records must reflect in an accurate and timely manner all business transactions. ~~Board members, officers and~~ ~~Employees~~ responsible for accounting and recordkeeping must fully disclose and record all assets and liabilities and exercise diligence in enforcing these requirements. ~~Board members, officers and~~ ~~Employees~~ must not make or engage in any false record or communication of any kind, whether internal or external, including, but not limited to, false expense, attendance, enrollment, financial, or similar reports and statements, or false advertising, deceptive marketing practices, or other misleading representations.

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#### 9. ~~8.~~ Dealing with Outside People and Organizations.

~~Board members, officers and~~ NDSU employees must take care to separate their personal roles from their ~~NDUS~~ NDSU positions when communicating on matters not involving ~~NDUS~~ NDSU business. They may not use ~~NDUS~~ NDSU identification, stationery, supplies, and equipment for personal or political matters. When communicating publicly on matters that involve ~~NDUS~~ NDSU business, ~~Board members, officers and~~ employees may not represent that they speak for the ~~NDUS~~ NDSU, unless that is one of their duties or they are otherwise authorized to do so. When dealing with anyone outside the ~~NDUS~~ NDSU, including public officials, ~~Board members, officers and~~ employees must take care not to compromise the integrity or damage the reputation of the ~~NDUS~~ NDSU or any institution NDSU.

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#### 10. ~~9.~~ Prompt Communications.

In all matters involving communication with ~~NDUS~~ NDSU students, customers, suppliers, government authorities, the public and others, ~~Board members, officers and~~ employees must endeavor to make complete, accurate, and timely communications and respond promptly and courteously to all proper requests for information and complaints.

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#### 11. ~~10.~~ Privacy, Confidentiality and Open Records.

~~Board members, officers and~~ Employees must at all times comply with applicable laws, regulations and SBHE and NDSU policies concerning privacy, confidential records, access to open records and records retention.

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#### 12. ~~11.~~ Reporting Suspected Violations; Procedures for Investigating Reports.

~~Officers and~~ Employees shall report suspected violations of this Code to their superior, or appropriate administrative official at NDSU, some other senior manager or administrator or legal attorney general counsel. In addition, the ~~NDUS~~ NDSU maintains a fraud hotline and suspected violations may be reported by use of that hotline. Any ~~officer or~~ employee who makes a report in good faith shall be protected against retaliation of any kind; any ~~officer or~~ employee who retaliates or attempts retaliation in response to a good faith report shall be subject to dismissal or other discipline. Failure to report known or suspected violations is in itself a violation and may lead to dismissal or other disciplinary action.

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~~Board members who have information concerning a possible violation of this Code or are uncertain~~

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~~about application or interpretation of any legal requirement should report the matter to the chancellor, legal counsel, attorney general, or the attorney general.~~

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Alleged violations of this Code involving NDUS officers or NDSU employees shall be investigated by the appropriate NDUS NDSU officer. All officers and employees shall cooperate in investigations of alleged violations. A violation of this Code is cause for dismissal or other appropriate disciplinary action, in addition to any criminal or other civil sanctions that apply.

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#### ~~13.~~ Institution Codes.

The NDUS office and each NDUS institution shall adopt and implement a Code of Conduct consistent with this Code and Committee of Sponsoring Organization of the Treadway Commission (COSO) Standards. NDUS office and institution codes shall include:

- a. A Statement of the organization's values;
- b. The people or groups of people affected;
- c. A brief description or list of key behaviors that are accepted and not accepted;
- d. How to identify and resolve conflicts of interest;
- e. How to report violations and to whom;
- f. Consequences of violating the Code;
- g. Consequences of failure to report known or suspected violations; and
- h. How reports will be investigated.

~~The NDUS office and each institution shall~~ NDSU requires that each new employee reviews the Code of Conduct and sign a statement certifying the employee has read and agrees to comply with the Code. Further, all benefited employees are required to annually certify in writing that they have read and are in compliance with the Code of Conduct.

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#### Resources and Related Policies:

[NDSU Policy 100: Equal Opportunity and Nondiscrimination Policy](#)

[NDSU Policy 110: Employment of Relatives](#)

[NDSU Policy 100.1: Nondiscrimination of the Basis of Disabilities and Reasonable Accommodation](#)

[NDSU Policy 112: Pre-employment and Current Employee Criminal Record Disclosure](#)

[NDSU Policy 151: Conflict of Interest](#)

[NDSU Policy 151.1: External Activities and Conflicts of Interest](#)

[NDSU Policy 152: External Professional Activities](#)

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

[NDSU Policy 160: Political Activities and Voting Rights of University Employees](#)

[NDSU Policy 161: Fitness for Duty](#)

[NDSU Policy 162: Sexual Harassment Policy](#)

[NDSU Policy 162.1: Consensual Relationships](#)

[NDSU Policy 169: Employee Responsibility and Activities: Theft and Fraud](#)

[NDSU Policy 169.1: Employee Misuse of Property Reports - - Protections](#)

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[NDSU Policy 190: Employee Responsibility and Activities: Intellectual Responsibility](#)  
[NDSU Policy 323: Selection of Textbooks and other Curricular Materials](#)  
[NDSU Policy 326: Academic Misconduct](#)  
[NDSU Policy 345: Research Involving Human Subjects](#)  
[NDSU Policy 340.1: Coursepacks](#)  
[NDSU Policy 400: Purchasing - General Policies](#)  
[NDSU Policy 406: Surplus Property](#)  
[NDSU Policy 505: Property, Plant and Equipment](#)  
[NDSU Policy 700: Services and Facilities Usage](#)  
[NDSU Policy 700.1: Use of University Name](#)  
[NDSU Policy 700.2: Taking Equipment Off-Campus](#)  
[NDSU Policy 700.3: Personal Use of State Property](#)  
[NDSU Policy 710.1: Web Advisory Board](#)  
[NDSU Policy 712: Contract Review](#)  
[NDSU Policy 718: Public/Open/Restricted Records](#)  
[NDSU Policy 823: Financial Disclosure — Conflict of Interest – Public Health Service sSponsored Projects Research](#)  
[NDUS Policy 603.3: Nepotism](#)  
[NDUS Policy 611.2: Employee Responsibility and Activities: Intellectual Responsibility](#)  
[NDUS Policy 611.4: Employee Responsibility and Activities: Conflict of Interest](#)  
[NDUS Policy 611.9: Selection of Textbooks and Other Curricular Materials](#)  
[NDUS Policy 803.1: Purchasing Procedures](#)  
[Conflict of Interest Form](#)  
[NDSU Consulting Authorization Request Form](#)  
[NDSU Fraud Hotline](#)  
[AAUP Statement of Professional Ethics](#)  
[NDSU Research Foundation](#)  
[N.D.C.C. Ch. 12.1-13 \(See section 12.1-13-03: Public servant's interest in public contracts.\)](#)  
[N.D.C.C. Ch.48-01.2: \(See section 48-01.2-08: Officers must not be interested in contract.\)](#)  
[N.D.C.C. Ch. 44-04: \(See section 44-04-09: Nepotism.\)](#)

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## HISTORY:

New	July 1990
Amended	November 1996
Amended	June 2000
Amended	October 2001
Amended	December 2002
Housekeeping	August 2009
Amended	March, 25, 2011
Housekeeping	June 24, 2011
Housekeeping	August 18, 2011
Housekeeping	February 1, 2012
Housekeeping	November 19, 2012
Amended	May 6, 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.policy.manual@nds.edu](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

### SECTION: **NDSU Policy 162 – SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, AND TITLE IX 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 XXX ☐ No
- Describe change: This policy is required by federal law and implementation of this policy is guided by the

U.S. Department of Education, Office of Civil Rights (OCR). This policy complies with the steps and standards NDSU has to apply in investigations and enforcement of Title IX regarding sex discrimination as described by OCR in: 1) 2001 OCR Guidance; 2) April 4th, 2011 Dear Colleague Letter; 3) 2014 Q&A on Title IX and Sexual Violence; 4) 2015 Dear Colleague Letter and Letter to Coordinators and Resource Guide; and 6) 2016 Dear Colleague Letter on Transgender Students. Explanation of most pertinent changes/additions found below.

- NDSU's Title IX responsibilities to address sex- and gender-based harassment
- NDSU's Clery Act (VAWA Sec. 304) responsibilities to address Sexual Assault, Domestic Violence, Dating Violence, and Stalking
- Overview of the rights and responsibilities of students and employees
- Definitions of Consent, Sexual Assault, Domestic Violence, Dating Violence, Stalking, Sexual Harassment, Sex Discrimination, and Sexual Misconduct
- Differences between criminal and Title IX investigations
- NDSU's Title IX and Clery Act prohibitions on and protections against retaliation
- The identity, role, function of, and how to contact the Title IX Coordinator
- Confidential reporting options on- and off-campus
- Confidentiality/privacy of reports and other investigative information
- Resources available to victims of sex- or gender-based discrimination
- Conducting/documenting adequate, reliable, and impartial investigations
- Possible sanctions and protective measures NDSU may impose following a disciplinary procedure involving Sexual Assault, Domestic Violence, Dating Violence, or Stalking

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

- Office/Department/Name: Canan Bilen-Green, Vice Provost for Faculty and Equity, Old Main, Suite 201
- Date Submitted: 10/5/2016
- Email address of the person who should be contacted with revisions: [canan.bilen.green@nds.edu](mailto:canan.bilen.green@nds.edu)

*This portion will be completed by Mary Asheim.*

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.policy.manual@nds.edu](mailto: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!



North Dakota State University  
Policy Manual

SECTION 162  
SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, AND TITLE IX POLICY  
SEXUAL HARASSMENT POLICY

SOURCE: NDSU President

1. INTRODUCTION

- 1.1 North Dakota State University (NDSU) is committed to providing a safe, healthy, and non-discriminatory learning, living, and working environment for all members of its university community that is free from sex discrimination of any kind. Specifically, NDSU is committed to:
- 1) Defining conduct that constitutes prohibited sexual harassment, gender-based harassment and sexual misconduct;
  - 2) Providing clear guidelines for students, employees and third parties on how to report incidents of sexual harassment, gender-based harassment and sexual misconduct and a commitment that any complaints will be handled respectfully;
  - 3) Promptly responding to and investigating allegations of sexual harassment, gender-based harassment and sexual misconduct, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of complicity and retaliation;
  - 4) Providing ongoing assistance and support to students and employees who make allegations of sexual harassment, gender-based harassment and sexual misconduct;
  - 5) Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual misconduct, including widely disseminating this policy, and implementing training and educational programs on sexual harassment, gender-based harassment and sexual misconduct to university constituencies; and
  - 6) Gathering and analyzing information and data that will be reviewed in order to improve gender equity and safety, reporting, responsiveness and the resolution of incidents.

1.2 Title IX of the Education Amendments of 1972 – No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

1.3 In accordance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013 (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and other federal and state laws, NDSU prohibits discrimination based on sex or gender and other types of sexual misconduct in its employment decisions and educational programs and activities. Title IX protects any person from sex based discrimination, regardless of their real or perceived sex, gender identity, and/or gender expression. Female, male and gender non-conforming students and employees are protected from any sex-based discrimination, harassment, or violence.

1.4 NDSU prohibits all forms of sexual harassment, gender-based harassment, and sexual misconduct, including but not limited to, intimate partner violence, sexual assault, sexual exploitation, stalking, complicity in the commission of any act prohibited by this policy, and retaliation against a person for the good faith reporting of any forms of misconduct or participation in any investigation or proceeding under this policy.

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Examples of the types of sex discrimination that are covered under this policy include but are not limited to: the failure to provide equal opportunity in athletics; discrimination in any course or program, notably in science, technology, engineering, and math (STEM); and discrimination based on pregnancy or parental status.

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For complaints and reports of sexual harassment, gender-based harassment, or sexual misconduct against students, employees, and third parties, general provisions relating to complaint resolution procedures set forth in NDSU Policy 156.6-156.9 shall apply. Informal resolution (mediation) will not be used to resolve complaints of sexual assault and intimate partner violence, as defined in this policy.

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This policy shall not be construed to restrict academic freedom, nor shall it be used to restrict constitutionally protected freedom of expression.

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Violations of this policy may result in sanction against an employee (faculty and staff), up to and including termination. Violations of this policy may result in sanction against a student up to and including suspension and expulsion.

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2. PROHIBITED CONDUCT

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Sexual Harassment, Gender-Based Harassment and Sexual Misconduct. This policy prohibits sexual harassment, gender-based harassment and sexual misconduct by or against any student, employee or third party. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, written, graphic, physical or otherwise, that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities.

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the University's education or work programs or activities. Gender-based harassment does not necessarily involve conduct of a sexual nature.

Sexual misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, intimate partner violence, sexual violence, and other misconduct based on sex.

The complete definitions of these terms, as well as other key terms used in this policy, are set forth in 12.1-12.21 below.

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Retaliation – This policy prohibits any adverse action taken against a person for making a good faith report of sexual harassment, gender-based harassment, or sexual misconduct, assisting someone making such a report, or participating in any proceeding under this policy.

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Complicity – This policy prohibits any act taken with the purpose of aiding, facilitating, promoting or encouraging sexual harassment, gender-based harassment, or sexual misconduct by another person.

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**2.4 Certain intimate relationships** – NDSU also prohibits certain intimate relationships when they occur between an employee and any student for whom he or she has a professional responsibility as set forth in Policy 162.1.

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**2.5 Interference with an investigation** – Any person who knowingly and intentionally interferes with an investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an investigation may include, but is not limited to:

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- 1) Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- 2) Divulging confidential information;
- 3) Removing, destroying, or altering documentation relevant to the investigation; or
- 4) Providing false or misleading information to the investigator, or encouraging others to do so.

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**2.6 Violations of law** – Behavior that violates this policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the North Dakota Century Code criminalizes and punishes some forms of sexual assault, domestic violence, stalking, and physical assault, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

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**2.7 Obligation to provide truthful information** – All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of prohibited conduct is prohibited and subject to disciplinary action and sanctions under the appropriate disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

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**2.8 Amnesty for drug and alcohol use** – NDSU strongly encourages all University community members to report instances of sexual harassment, gender-based harassment or sexual misconduct as soon as possible. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to report due to potential policy violations. To minimize hesitancy, an individual who reports sexual harassment, gender-based harassment or sexual misconduct, either as a complainant or as a witness, will not be subject to disciplinary action for any violation of NDSU's Policy 155 against alcohol and other drugs in connection with the reported incident.

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### 3. TO WHOM THIS POLICY APPLIES

**3.1** This policy applies to all University students who are registered or enrolled for credit or non-credit courses ("Students"); employees consisting of all full-time and part-time faculty, regular staff employees, and nonbanded, nonacademic staff ("Employees"); and visitors, guests, applicants for admission to or employment with the University, contractors, vendors, university affiliates and others conducting business on campus ("Third Parties").

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**3.2** This policy applies to conduct by or against students, employees, and third parties of which the University is made aware, wherever the misconduct occurs:

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**3.2.1** On property owned or controlled by NDSU;

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**3.2.2** Off NDSU property, if

- 1) The misconduct was in the context of a University employment or education program or activity, including, but not limited to, NDSU-sponsored study abroad, research, on-line, or internship programs; or

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2) Outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third parties while on campus or other property owned or controlled by NDSU or in any University employment or education program or activity.

3.3 Conduct under this policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression (real or perceived) of the Reporting Party or Responding Party.

#### **4. TITLE IX COORDINATOR**

4.1 The Title IX Coordinator oversees NDSU's compliance with Title IX; ensures appropriate education and training; coordinates the University's investigation, response, and resolution of all reports under this policy; and ensures appropriate actions to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. The name and contact information for the Title IX Coordinator can be found on the University's Title IX website.

4.2 Concerns about NDSU's application of Title IX, VAWA, Title VII, or the Clery Act may be addressed to the Title IX Coordinator; the United States Department of Education, Clery Act Compliance Division (at [clery@ed.gov](mailto:clery@ed.gov)); the United States Department of Education, Office for Civil Rights (at <http://www2.ed.gov/about/offices/list/ocr/addresses.html>, [OCR@ed.gov](mailto:OCR@ed.gov) or (800) 421-3481); and/or the Equal Employment Opportunity Commission (at <https://www.eeoc.gov/contact/>, [info@eeoc.gov](mailto:info@eeoc.gov) or (800) 669-4000).

#### **5. IMMEDIATE ASSISTANCE IN CASES OF SEXUAL MISCONDUCT AND SUPPORT RESOURCES**

5.1 Reporting to law enforcement – Students or employees who experience or observe any form of sexual assault or intimate partner violence on or off campus and third parties who experience sexual assault or intimate partner violence on NDSU grounds are strongly encouraged to report the incident immediately by:

- 1) calling 911,
- 2) contacting the Fargo Police (701-235-4493),
- 3) their local police precinct, or
- 4) NDSU Police (701-231-8998), who are available 24 hours a day, 7 days a week. Campus police and safety officers can also assist the Reporting Party with filing a complaint both on and off campus, and in obtaining immediate medical attention, counseling and other services.

5.2 Obtaining immediate medical attention and emotional support – An individual who experiences any form of sexual assault or intimate partner violence is encouraged to seek immediate medical care to treat injuries, obtain preventive treatment for sexually transmitted diseases, and preserve evidence, among other things. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible, either on or off-campus. On-campus resources include:

- 1) Nurses and/or nurse practitioners at the Student Health Service (701-231-7331; hours of operation: Monday, Wednesday, Thursday, Friday: 8:00 a.m.-5:00 p.m., Tuesday: 8:00 a.m.-7:00 p.m.), and
- 2) Counselors at the NDSU Counseling Center (701-231-7671; Monday, Wednesday, Friday: 8:00 a.m.-5:00 p.m., Tuesday and Thursday: 8:00 a.m.-7:00 p.m.). Counselors are trained to provide crisis intervention and provide referrals for longer-term care as necessary.

5.3 On campus resources, counselors, and health care providers:

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Contact	Phone	Address
<u>Title IX Coordinator</u>	<u>701-231-7708</u>	<u>Old Main 201, NDSU</u>
<u>Dean of Student Life</u>	<u>701-231-8240</u>	<u>Memorial Union 250, NDSU</u>
<u>Equity Office</u>	<u>701-231-7708</u>	<u>Old Main 201, NDSU</u>
<u>NDSU Counseling Center*</u>	<u>701-231-7671</u>	<u>Ceres Hall 212, NDSU</u>
<u>Sexual Assault Prevention &amp; Advocacy</u>	<u>701-231-5733</u>	<u>Memorial Union 250, NDSU</u>
<u>NDSU Student Health Service*</u>	<u>701-231-7331</u>	<u>Wallman Wellness Center, NDSU</u>
<u>SARA Helpline</u>	<u>701-730-6149</u>	<u>-</u>
<u>NDSU Police</u>	<u>701-231-8998</u>	<u>1523 12th Avenue N., Fargo</u>

\*Confidential resources

#### 5.4 Off-campus resources, counselors, and health care providers:

Contact	Phone	Address
<u>F-M Rape &amp; Abuse Crisis Center</u>	<u>701-293-7273</u>	<u>317 8th Street N, Fargo</u>
<u>Sanford Health Emergency Center</u>	<u>701-234-2000</u>	<u>720 4th Street N, Fargo</u>
<u>Essentia Health Emergency Center</u>	<u>701- 364-8000</u>	<u>32nd Avenue S, Fargo</u>
<u>Planned Parenthood</u>	<u>281-236-7145</u>	<u>803 Belsey Boulevard, Moorhead, MN</u>
<u>Southeast Human Services</u>	<u>701-298-4500</u>	<u>2624 9th Avenue S., Fargo</u>
<u>Fargo Police Department</u>	<u>701-235-4493</u>	<u>222 4th Street N, Fargo</u>

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## 6. REPORTING SEXUAL HARASSMENT, GENDER-BASED HARASSMENT OR SEXUAL MISCONDUCT

**6.1** All students, employees, and third parties are strongly encouraged to promptly report any incidents of sexual harassment, gender-based harassment, or sexual misconduct that they experience and/or observe to the Title IX Coordinator or the Equity Office.

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**6.2** Any person (student, employee, or third party) having a complaint under this policy (NDSU Policy 162) should submit a completed complaint form available online at <https://www.ndsu.edu/equity/forms/> or by contacting the Title IX Coordinator or the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu). The Complaint Form can be submitted via email at [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu) or by bringing it to the Equity Office. The Equity Office is available to assist with completing the Complaint Form as needed.

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**6.3** Anyone who would like to file a sexual harassment, gender-based harassment, or sexual misconduct complaint against a student or student organization also has the option of filing the complaint with the Dean of Student Life, Memorial Union 250, NDSU Main Campus, 701-231-8240, [janna.stoskopf@ndsu.edu](mailto:janna.stoskopf@ndsu.edu). Complaints filed against a student or student organization will be resolved in coordination with the Dean of Student Life Office. If a complaint against a student or student organization will be resolved through formal resolution, a hearing, and any appeal, will be administered by the Dean of Student Life Office, in coordination with the Equity Office, under the procedures found in Rights and Responsibilities of Community: A Code of Student Conduct.

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**6.4** All students, employees, and third parties may also report incidents of sexual misconduct to law enforcement, including on-campus and local police. Reporting parties who choose to notify law enforcement will be provided the assistance of the Title IX Coordinator or the Equity Office in contacting these authorities if the individual wishes. Reporting Parties may also decline to notify law enforcement of incidents of sexual misconduct.

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**6.5** Reports of sexual misconduct made to NDSU Police will automatically be reported to the Title IX Coordinator regardless of whether the individual who experienced the sexual misconduct chooses to pursue criminal charges.

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**6.6** Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the mandatory reporting requirements stated in 7.1-7.3. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These individuals are encouraged to provide students or employees with information and guidance regarding university reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to university administrators without the student or employee's express permission.

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**6.7** Anonymous reporting - NDSU students and employees may report incidents of sexual harassment, gender-based harassment, or sexual misconduct anonymously. NDSU may be limited in its ability to respond to a report if it is submitted anonymously. Additionally, in very limited circumstances, NDSU may need to take action to learn the identity of an individual who submitted an anonymous report. For more information, see <https://www.ndsu.edu/biasreport/>.

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## **7. NOTICE OF MANDATORY REPORTING RESPONSIBILITIES**

**7.1** It is the responsibility of the entire university community to foster a safe, healthy, and non-discriminatory learning, living, and working environment that is free from sex discrimination of any kind. NDSU employees have specific responsibilities when they observe discrimination or receive a report of discrimination. NDSU employees must not dissuade an individual (or group) from providing them with a report of discrimination but should inform the individual (or group) of their mandatory reporting responsibilities as described below.

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**7.1.1.** Observance of sexual misconduct – All NDSU employees who observe any form of sexual misconduct must notify the Title IX Coordinator or the Equity Office.

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**7.1.2.** Report of sexual misconduct – All NDSU employees who receive a report of sexual misconduct involving a student must contact the Title IX Coordinator or the Equity Office. NDSU supervisors, managers, department heads, deans, directors, or administrators who receive a report of discrimination involving employees must document the report and contact the Title IX Coordinator or the Equity Office. The provisions of 11.1.1 do not apply to confidential support resources providing services as described in 9.3.

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**7.2** To comply with 7.1.1. or 7.1.2, NDSU employees must within three business days notify the Title IX Coordinator or the Equity Office. Employees are encouraged to complete and submit an NDSU Sexual Misconduct Report Form (Report Form) to the Title IX Coordinator or the Equity Office. The Report Form is available online at <https://www.ndsu.edu/forms/> or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu). The Report Form can be submitted via email at [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu) or by bringing it to the Equity Office. The Equity Office can assist with completing the Report Form as needed. The Equity Office is the official university record holder for documentation under this policy.

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**7.3** Upon receipt of a report of a violation, NDSU will initiate its complaint procedures.

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## **8. REMEDIAL AND PROTECTIVE MEASURES**

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8.1 Upon receipt of a complaint or as otherwise informed of sexual harassment, gender-based sexual harassment, or sexual misconduct NDSU will, where appropriate, take interim measures to stop, prevent, and remedy the harm to those affected by the prohibited conduct. Interim measures are intended to be protective and/or remedial for one or both parties, and may be temporary or permanent and may be modified by the University as circumstances change.

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8.2 Remedial measures may include, but are not limited to, a no contact directive, a safety plan, residence modifications, academic modifications and support, work schedule and/or location modifications, parking modifications, referral to counseling or other health services, administrative leave, temporary suspension, or any other measure deemed appropriate by NDSU.

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8.3 Remedial measures may be kept in place through the conclusion of any review, investigation, or appeal process.

8.4 Remedial measures can be implemented regardless of whether or not the reporting party pursues formal university or criminal action.

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## 9. PRIVACY AND CONFIDENTIALITY

9.1 Confidentiality will be maintained to the extent possible - NDSU will keep the complaint and its investigation confidential to the extent that it is possible without compromising NDSU's commitment and obligation to investigate allegations of sexual misconduct, to protect the university community, and to the extent allowed by law. As NDSU has an obligation to maintain an environment free of sex discrimination and sexual misconduct, most employees have mandatory reporting and response obligations and may not be able to honor a reporting party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality. However, confidentiality cannot be guaranteed as NDSU may have an obligation to take specific actions once aware of alleged conduct.

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9.2 NDSU is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. Information related to a report of prohibited conduct will be shared with a limited circle of NDSU employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in NDSU's response to reports of prohibited conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

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9.3 Confidential support resources - If seeking a confidential resource, NDSU students may contact the NDSU Counseling Center (212 Ceres Hall, NDSU Main Campus, 701-231-7671) and the Student Health Service (Wallman Wellness Center, NDSU Main Campus, 701-231-7331). The Faculty/Staff Assistance Program, as described in NDSU Section 134, is a confidential resource for NDSU employees.

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## 10. TRAINING AND EDUCATION

10.1 This policy is published on the university's website and information on this policy and related policies is included in mandatory training for new students and employees.

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10.2 All new employees must attend training within the first 60 days of employment and receive supplemental training every three years.

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10.3 Employees are encouraged to contact the Title IX Coordinator or the Equity Office with any questions they may have related to sexual harassment, gender-based sexual harassment, or

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sexual misconduct at NDSU, including inquiries regarding their mandatory reporting responsibilities.

10.4 University employees and administrators responsible for implementing this policy, including the Title IX Coordinator, deputy coordinators, supervisors, managers, department heads, deans, directors, investigators, review committee members, and hearing officers, must receive annual training about offenses, investigatory procedures, due process requirements, and university policies related to or described in this policy.

**11.FREE EXPRESSION AND ACADEMIC FREEDOM**

NDSU is committed to free expression and principles of academic freedom. Vigorous discussion and debate, as well as free inquiry and free expression, are essential to NDSU's educational mission and are critical to diversity and intellectual life. NDSU is equally committed to providing a safe, healthy, and non-discriminatory learning, living, and working environment for all members of its university community. Discrimination, harassment, and retaliation against members of the University community are not protected expression or the proper exercise of academic freedom. When resolving violations of this policy, NDSU will respond appropriately while respecting the principles of free expression and academic freedom.

**12.DEFINITIONS**

The terms and definitions used here are important components of University policy. The definitions are intended to give meaning to these terms in the context of the University community. Criminal and other applicable state laws may use different definitions. Section 13 provides North Dakota criminal law terms and definitions.

12.1 Complicity - Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

12.2 Consent – Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent must be all of the following:

1) **Knowing:** Consent must demonstrate that all individuals understand, are aware of, and agree to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (the same way and under the same conditions) of the sexual activity.

2) **Active:** Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.

3) **Voluntary:** Consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure) or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).

4) **Present and ongoing:** Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one

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type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time – provided the person withdrawing consent makes that known in clearly understandable words or actions.

Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age, physical condition, or disability that impairs the individual's ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, incapacitation due to consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring. Consent is not effective if it results from: (a) the use of physical violence, (b) threats, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to engage in sexual activity. When determining whether consent was present, the University will consider whether a reasonable person in the same position should have known whether the other party could or could not consent to the sexual activity.

**12.2.1. Physical violence** means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

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**12.2.2. Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

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**12.2.3. Intimidation** is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

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**12.2.4. Coercion** is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

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**12.2.5. Incapacitation** is a state of being that prevents an individual from having capacity to give consent. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

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**12.3 Discrimination Based on Pregnancy or Parental Status** - Excluding persons from, denying them the benefit of, or discriminating against them due to their pregnancy or status as a parent. To ensure a pregnant student's access to their education, faculty and staff must make modifications that are reasonable and responsive to the student's temporary pregnancy status. Faculty that have their own policies about class attendance and make-up work must make sure their policies are not discriminatory.

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**12.4 Gender-Based Harassment** – Verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the University's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this Policy.

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**12.5 Intimate Partner Violence** – Any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence is an offense that meets the definition of domestic violence or dating violence:

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**12.5.1. Domestic Violence** – Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common or by a person with whom the Reporting Party is cohabiting (or has cohabited) with a spouse or intimate partner.

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**12.5.2. Dating Violence** – Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined based on the Reporting Party's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

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**12.5.3.** Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

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**12.5.4. Physical Assault** is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

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**12.6 Public Indecency** – Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to: 1) Exposing one's genitals or private areas; 2) Public urination; 3) Defecation; and/or 4) Public sex acts.

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**12.7 Reporting Party** – A person or entity (in the case of the university) who submits a complaint alleging a violation of this policy.

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**12.8 Responding Party** – Generally, the Responding Party is the person who is alleged to be responsible for the Prohibited Conduct alleged in a complaint.

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**12.9 Retaliation** – Any adverse action taken against a person for making a good faith report of Prohibited Conduct, assisting someone making such a report, or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

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**12.10 Sexual Assault** – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual assault includes nonconsensual sexual contact and nonconsensual sexual intercourse.

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**12.10.1. Nonconsensual Sexual Contact** – Any intentional sexual touching, however slight, with any object or body part without consent. Sexual Contact includes:

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- 1) Intentional contact with the breasts, buttock, groin, or genitals whether clothed or unclothed;
- 2) Touching another with any of these body parts;
- 3) Making another touch you or themselves with or on any of these body parts; or
- 4) Any other intentional bodily contact in a sexual manner.

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**12.10.2. Nonconsensual Sexual Intercourse** – Any sexual penetration or intercourse, however slight, with any object or body part, by a person upon another person that is without consent and/or is effectuated by force. Sexual intercourse includes

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- 1) Vaginal or anal penetration by a penis, tongue, finger, or object; or
- 2) Any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

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**12.10.3. The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.**

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- 1) Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.
- 2) Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 3) Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- 4) Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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**12.10.4. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment.**

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**12.11 Sex Discrimination** – An act that deprives a member of the university community of his or her rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits, or opportunities with the university on the basis of the

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person's sex (including pregnancy, sexual orientation, and gender identity/expression) or having a policy or practice that has a disproportionately adverse impact on protected class members.

**12.12 Sexual Exploitation** – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Sexual Exploitation includes, but is not limited to:

- 1) Recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's consent;
- 2) Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
- 3) Engaging in voyeurism (watching private sexual activity without the consent of the participants or viewing another person's intimate parts, including genitalia, groin, breasts or buttocks, in a place where that person would have a reasonable expectation of privacy);
- 4) Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity;
- 5) Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals or private areas;
- 6) Prostituting another person; or
- 7) Exposing another person to a sexually transmitted disease (STD), infection (STI), or virus (HIV) without the other's knowledge.

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**12.13 Sexual Harassment** – Unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, written, graphic, physical or otherwise, when:

- 1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (quid pro quo harassment); or
- 2) Such conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities (hostile environment).

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**12.13.1. Quid pro quo sexual harassment** can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute sexual harassment.

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**12.13.2. A hostile environment** can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

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**12.14 Sexual Misconduct** – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, gender-based harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, intimate partner violence, sexual violence, and other misconduct based on sex.

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**12.15 Stalking** – A course of unwelcome conduct directed at a specific person that would cause a reasonable person to fear for his/her own safety or the safety of others or would cause that

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person to suffer substantial emotional distress. Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and similarly situated to the Reporting Party. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

12.15.1. Stalking includes "Cyber-Stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

#### 12.16 Examples of inappropriate behavior that may constitute Sexual Harassment or Sexual Misconduct include, but are not limited to:

- 1) Sexual teasing, jokes, remarks, or questions;
- 2) Sexual looks and gestures;
- 3) Sexual innuendoes, humor, or stories;
- 4) Communicating in a manner with sexual overtones;
- 5) Inappropriate comments about dress or physical appearance;
- 6) Inappropriate discussion of private sexual behavior;
- 7) Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- 8) Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- 9) Sexual favoritism;
- 10) Pressure for dates or sexual favors or forced sexual activity;
- 11) Unwelcome sexual advances;
- 12) Unwelcome physical contact (touching, patting, stroking, rubbing);
- 13) Nonconsensual video or audio-taping of sexual activity;
- 14) Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals or private areas;
- 15) Unwelcome sexual advances;
- 16) Obscene gestures
- 17) Sexual graffiti, pictures, or posters;
- 18) Sexually explicit profanity;
- 19) Domestic or dating violence;
- 20) E-mail, texting ("sexting") and Internet use that violates this policy;
- 21) Nonconsensual sexual intercourse, sexual assault, or rape; or
- 22) Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

### 13. RESOURCE OF RELEVANT TERMS AND DEFINITIONS IN NORTH DAKOTA

Because some of the offenses in this Policy are also crimes under State law, the University provides this summary of relevant North Dakota terms and definitions as a resource. Community members who are involved in legal action related to a sexual crime or offense under North Dakota law should consider speaking with an attorney for specific information about relevant State law and legal advice.

13.1 The North Dakota Human Rights Act prohibits discrimination in employment on the basis of sex, including pregnancy, childbirth and related medical conditions (ND Cent. Code Sec. 14-02.4-01 et seq.). Sexual harassment is expressly included in the Act's definition of discrimination based on sex. The Act applies to all employers in the state. It is also unlawful under the state law to retaliate or threaten to retaliate against a person who files a complaint of sexual harassment, or testifies or assists in a proceeding or investigation.

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**13.2** Consent is defined in North Dakota as follows (NDCC 12.1-17-08):

1. When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is a defense if:
  - (a) Neither the injury inflicted nor the injury threatened is such as to jeopardize life or seriously impair health;
  - (b) The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
  - (c) The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.
2. Assent does not constitute consent, within the meaning of this section, if:
  - (a) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
  - (b) It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
  - (c) It is induced by force, duress, or deception.

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**13.3** Domestic violence is defined in North Dakota (NDCC 14-07.1-01) as physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members. The code defines family or household member as a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court. As the State of North Dakota includes persons who are in a dating relationship under the state's domestic violence laws, any violence committed by dating parties would fall under domestic violence.

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**13.4** NDCC 12.1-17-07.1 states that no person may intentionally stalk another person. The state defines "stalk" as engaging in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation or harassment. The state defines course of conduct as a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity. The state defines immediate family as a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.

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



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

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

1.

~~submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement,~~
2.

~~submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or~~
3.

~~such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment."~~

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

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

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HISTORY:

New	September 29, 1980
Amended	October 7, 1987
Amended	June 28, 1991
Amended	April 1992
Amended	October 1997
Amended	August 1999
Amended	September 2000
Amended	September 2007
Amended	January 2008
Amended	February 2009
Housekeeping	April 14, 2016

**SR-XX-17**

**A Resolution in Support of Cancelling All NDSU Classes the Day Before Thanksgiving**

**Whereas**, North Dakota State University (NDSU) is a student focused university, and

**Whereas**, many NDSU students have long drives home for the Thanksgiving holiday, and

**Whereas**, there are NDSU students who need to skip class the day before Thanksgiving or drive through the night in order to make it home, and

**Whereas**, Thanksgiving is within the season that the most motor-vehicle accidents are reported<sup>1</sup>, and

**Whereas**, all NDSU students should be able to spend the entire Thanksgiving day with their families, and

**Whereas**, research shows that family time is vital to a student's mental health and well-being<sup>2</sup>, and

**Whereas**, there is a current lack of uniformity in the cancellation of classes the day before Thanksgiving, therefore be it

**Resolved**, that NDSU Student Senate supports the cancellation of all NDSU classes the day before Thanksgiving.

Respectfully submitted,

Kashalyn McKinster  
Student Senator | Resident Halls

Briana Heskin  
Student Senator | College of Business

Julina Hilliard  
Student Senator | Off-Campus

Eduardo I. Faundez  
Student Senator | College of Graduate  
Studies



1. CDC, "Reducing the risk for injury while traveling for Thanksgiving holidays"  
Morbidity and Mortality Weekly Report 50, No. 45 (2001), 1016-1017.
2. Ramon B. Zabriskie, and Bryan P. McCormick, "The Influences of Family Leisure  
Patterns on Perceptions of Family Functioning," Family Relations 50, No. 3 (July  
2001): 281-289.

**NDSU Faculty Senate**  
December 12, 2016  
Prairie Rose, Memorial Union  
Agenda

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- I. Call to Order
- II. Attendance
- III. Approval of agenda
- IV. Approval of previous meeting minutes from November 14, 2016
- V. Consent agenda
  - a. Academic Affairs Report and General Education Report ([attachment 1](#))
  - b. Faculty Senate Bylaw Change for Equity and Diversity Committee (minor change, [attachment 2](#))
- VI. Announcements
  - a. Dean Bresciani, President
  - b. Beth Ingram, Provost
  - c. Katie Gordon, Faculty Senate President
  - d. Stuart Haring, Faculty Senate President-Elect
  - e. Jim Osland, Staff Senate President
  - f. Amelia Pfarrer and Brendan Curran, Student Government Representatives
- VII. Senate Committee Reports – University Curriculum Committee Report – Susan Ray Degges, Chair ([attachment 3](#))
- VIII. Unfinished Business (for input)
  - a. Faculty Senate Bylaws Article III, Section 4 – Dennis Cooley ([attachment 4](#))
  - b. Faculty Senate Bylaws Article IV, Section 11 – Dennis Cooley ([attachment 4](#))
  - c. 162 (federally mandated; seeking faculty input on clarity) – Canan Bilen-Green, Vice Provost for Faculty and Equity ([attachment 5](#))
  - d. Student resolution in support of canceling all NDSU classes the day before Thanksgiving – Kashalyn McKinster ([attachment 6](#))
- IX. New Business (for input)
  - a. 327 – Daniel Friesner, Commission of the Status of Women Faculty ([attachment 7](#))
  - b. 723 – Aaron Reinholz, Office of Research and Creative Activity ([attachment 8](#))
- X. Adjourn

**For Faculty Senate:  
Approved General Education Recommendations**

For Faculty Senate Meeting on (month/year): December 12, 2016

<b>Courses Approved for General Education (New)</b>			
<b>Course No.</b>	<b>Course Title</b>	<b>Recommended Categories</b>	<b>Recommended Outcomes</b>
SOC 179 and 279	Society and Identity I	Humanities and Fine Arts and Global Perspectives	Human Societies
<b>Courses Withdrawn from General Education List of Approved Courses</b>			
ENGL 315	British Literature I	Humanities and Fine Arts	Human Societies
ENGL 316	British Literature II	Humanities and Fine Arts	Human Societies
ENGL 317	American Literature I	Humanities and Fine Arts	Human Societies
ENGL 318	American Literature II	Humanities and Fine Arts	Human Societies
ENGL 323	Creative Writing II	Upper-Level Writing	Communication

**Academic Affairs Committee Report  
For Faculty Senate Meeting on December 12, 2016**

<b>Program Changes</b>
Certificate in Professional Selling – adding additional electives

<b>Program Inactivations/Terminations</b>
M.Ed. Family and Consumer Science Education
M.S. Family and Consumer Science Education

<b>New Courses</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Effective Term</b>
ACCT	700	Accounting for Decision Making	3	Spring 2017
ACCT	701	Financial Reporting I	3	Spring 2017
ACCT	702	Financial Reporting II	3	Spring 2017
ANSC	751	A Primer to Quantitative Genetics	1	Spring 2017
ANSC	752	Selection Index Theory and Application	1	Spring 2017
ANSC	753	Economic Breeding Programs	1	Spring 2017
ANSC	813	Domestic Animal Endocrinology	3	Spring 2017
CFS	462/662	Food Ingredient Technology	3	Fall 2017
CFS	472/672	Cereal and Food Fermentation	3	Spring 2017
CHP	450	Complementary and Alternative Therapies: An Evidence-Based Approach	2	Fall 2017
CJ	732	Applied Interpretation of Criminal Justice Methods	3	Spring 2017
ECE	737	Advanced Power Electronics	3	Spring 2017
HDFS	817	Prevention Science	3	Spring 2017
HDFS	877	Qualitative Theories and Methods in Couple and Family Therapy	3	Spring 2017
HNES	748	Nutritional Epidemiology	3	Spring 2017
HNES	753	Nutrigenomics and Advanced Lipid Metabolism in Human Nutrition	3	Spring 2017
IME	464/664	Reliability Analysis	3	Spring 2017
LANG	701	English Language and Classroom Skills for International GTAs	3	Spring 2017
LANG	702	English Language Tutorial for International GTAs	1	Spring 2017
MUSC	745	Music History Seminar	3	Spring 2017
NURS	386	Chronicity Throughout the Lifespan I	3	Spring 2017
NURS	388	Chronicity Throughout the Lifespan II	3	Spring 2017
PLSC	749	Applied Plant Molecular Breeding	3	Spring 2017

<b>Course Changes</b>								
<b>From:</b>				<b>To:</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Dept</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Effective Term</b>
CPM	474/674	Coatings I	3	CPM	474/674	<b>Applied Polymer Science</b>	3	Spring 2017
CPM	475/675	Coatings II	3	HNES	789	<b>Coatings' Materials Science</b>	3	Spring 2017
HNES	154	Professional Preparation in Elementary School Activities	3	HNES	<b>257</b>	Professional Preparation in Elementary School Activities	3	Spring 2017
HNES	658	Advanced Medical Nutrition Therapy	4	HNES	658	Advanced Medical Nutrition Therapy	<b>3-4</b>	Fall 2017
NRM	420/620	Scenarios in Natural Resources Management	2	NRM	420/620	<b>Sustainable Scenarios in Natural Resources Management</b>	<b>3</b>	Fall 2017
PHRM	536/636	Neurology & Psychiatry	3	PHRM	536/636	<b>Neurology &amp; Psychiatry Pharmacotherapy</b>	3	Spring 2017

<b>Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Prerequisite/Co-requisite Change</b>	<b>Effective Term</b>
CPM	474/674	Applied Polymer Science	Desc: Polymers are used in many important applications such as coatings, adhesives, and composites among others. Beginning with a survey of the main methods of polymer and resin synthesis, the course will emphasize the use of polymers in coatings and other applications including polymer structure – property relationships, formulation concepts, methods of evaluation, and use of solvents. Prereq: CHEM 240 or CHEM 342	Spring 2017
CPM	475/675	Coatings' Materials Science	Desc: Materials Science of composite materials with a focus on polymeric coatings. Includes properties of component materials, design, testing and application. Specialized topics include corrosion, rheology, appearance science and adhesion.	Spring 2017
ECE	423	VLSI Design	Prereq: ECE 320	Spring 2017
<b>Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions (continued)</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Prerequisite/Co-requisite Change</b>	<b>Effective Term</b>

## Attachment #1

ENGL	323	Creative Writing	Desc: Creative writing with a focus on one literary genre. May be repeated for credit. Prereq: ENGL 120 and any one of the following: ENGL 229, ENGL 275 or ENGL 322.	Spring 2017
HDFS	856	Longitudinal Research Methods and Analysis	Prereq: HDFS 705	Spring 2017
HNES	257	Professional Preparation in Elementary School Activities	Prereq: HNES 254, professional standing	Spring 2017
MATH	483	Partial Differential Equations	Prereq: MATH 266 and either MATH 270 or MATH 329	Fall 2017
NRM	420/620	Sustainable Scenarios in Natural Resources Management	Desc: An interdisciplinary course to investigate the key competencies needed for sustainable social-ecological systems and how sustainable scenarios can be built for the future management of natural resources.	Fall 2017
PHRM	520/620	Special Populations	Prereq: PHRM 532, PHRM 537 and PHRM 538 all with a grade of C or higher.	Spring 2017
PHRM	536/636	Neurology & Psychiatry Pharmacotherapy	Prereq: PSCI 415	Spring 2017

Course Inactivations				
Subject	No.	Title	Crs.	Effective Term
COMM	109	Communicating with Confidence	1	Spring 2017
COMM	111	Honors Public Speaking	3	Spring 2017

Temporary/Trial Topics				
Subject	No.	Title	Crs.	Effective Term
PSYC	791	Lifespan Development	3	Spring 2017

Section 5. Equity and Diversity 1.

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

# University Curriculum Committee

## Report to Faculty Senate – Fall 2016

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### Introduction:

University Curriculum Committee's (UCC) primary purpose is to fulfill the role of shared governance in changes made to the university's curricular requirements. These include changes to curricula, courses, programs and general university requirements. UCC also serves as a major facilitator to coordinate curricular matters among the university's academic divisions/colleges.

### Committee responsibilities are:

- a. Developing criteria and procedures for submitting, evaluating, and approving courses, experiences, and program proposals for curriculum and course changes.
- b. Coordinating and recommending actions on proposals for curriculum and course changes that have been received from the colleges.
- c. Overseeing the general education program, including:
  - a. Validating/revalidating courses and experiences to ensure that general education outcomes are met.
  - b. Coordinating periodic assessment of students' attainment of intended student outcomes in general education.
- d. Requesting the formation of ad hoc Faculty Senate committees to recommend policies for the evaluation of transfer credit, policies for graduation, and make other recommendations as needed, and
- e. Performing other appropriate duties as assigned by the Faculty Senate. (As approved by Faculty Senate: Article IV: Faculty Senate Standing Committees – [Section 14: University Curriculum Committee](#), May 2016)

### Fall 2016 update:

1. UCC members have attended respective Academic Affairs Committee Meetings and General Education Meetings as schedules allowed.
2. Hours dedicated to committee work varies from 1 to 3 hours per week depending on committee responsibility (i.e. chair of committee), number of proposals, petitions, or policies to be reviewed.
3. UCC committee has met twice to review the charge of the committee and to establish goals for the upcoming semester and a time line of activities.
4. Two additional UCC meetings have been with the IQAOC, with the final meeting to report on progress and identify proposed goals for Spring 2017.

### Proposed Goals for Spring 2017

1. Inform/train committee members in proposal review process (new course proposal, general education course proposals, student petitions).
2. Establish ad hoc committee to identify timeline for reviewing curricular proposals and policies
  - a. Establish timeline for new course proposals submissions.
  - b. Establish campus wide timeline for revalidating/renewing General Education Courses.
3. Explore collaboration with the Office of Teaching and Learning to assist faculty in course proposal development and revision.
4. Promote streamline curriculum proposal submission and approval process

- a. The UCC shall receive notification of undergraduate/graduate courses and programs of study after they have been approved by the curriculum committees of the colleges, deans and graduate school.
  - i. College curriculum committees will have the primary responsibility for evaluating routine curricular matters such as changes in course descriptions, course content, course requirements, course credits, course prefix, and course syllabi.
  - ii. The UCC will receive proposals from the college curriculum committees that deal with such routine curricular matters to be moved to a consent agenda. The UCC will return such proposals to the college curriculum committees for reconsideration only in cases where there appears to be a serious oversight on the part of the college and/or department curriculum committees.
5. The UCC will engage in a more substantive review of new course proposals, new general education course proposals, and those course proposals that have implications that go beyond the individual colleges, such as those that involve multiple colleges, those that involve campus-wide requirements and/or resources, and those pertaining to campus-wide academic programs.
  - a. Identify ad hoc committees in reviewing new course proposals.
  - b. Identify ad hoc committees in reviewing new general education course proposals.
6. The UCC shall appoint ad hoc subcommittees and/or liaison person(s) to assist the Committee in reviewing course proposals in intercollegiate, multi-disciplinary areas within the University.
7. UCC will review and recommend policies and procedures (examples include: attendance, limiting major change and repeated courses, repeated courses, etc.).
8. The UCC will review new programs (SBHE Policy 403.1)

*Board approval is required for all new programs of study that designate a focused collection of instructional/learning activities the completion of which signifies a level of competence which the awarding institution so designates by a notation on the front of the student transcript. Board approval is required for all requests for appropriations in support of new programs.*

*The chancellor shall establish procedures for new program review and evaluation and approval of changes to existing programs resulting in new transcript entries.*

9. The Office of Registration and Records will work closely with UCC to implement faculty approved curricular, policy, and procedure changes in a timely and efficient manner.





### CONSENT AGENDA

[Department/College Level]

Changes in:

- Course Title
- Catalog Description
- Catalog Number
- Course Credits
  - Prefix
- Requisites
- Course Inactivation
- Temporary/Trial Topics



New Course

Proposals<sup>1</sup>

(Ad-hoc Committee)

{Managed through CourseLeaf}

\*\*to include syllabi



New Course

Proposals<sup>1</sup>

General Education

(Ad-hoc Committee)

{Managed through CourseLeaf}

\*\*to include syllabi



General Education  
Student Petitions  
[Ad-hoc Committee]



Revalidating/Renewing General  
Education Courses  
(Ad-hoc Committee)



DEGREE, MAJOR, MINOR, or  
CERTIFICATE

New Program Proposal [Stage I  
and II] SBHE

Title Change [Department,  
Major, Minor, Degree]  
Chancellor

Curricular Program Edits  
CIP Code Change SBHE

<sup>1</sup>Courses or programs offered for graduate credit are to be approved by the Graduate Council prior to Undergraduate Curriculum Committee consideration.

### Article III: Senate Committees

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

Section 2. The Faculty Senate shall confirm the membership of all standing committees, except the Standing Committee on Faculty Rights.

Section 3. Committees shall determine their own procedural rules. However, no committee shall conduct business without a majority of members present. Each committee will keep such records as necessary to conduct business. In addition, every Faculty Senate Committee (except Academic Integrity, Conflict of Interest Advisory, Executive, Faculty Rights, and Grade Appeals) will make an oral report of progress (5 minutes) at the May meeting of the Faculty Senate or, at the President of the Faculty Senate's request, submit a written report at the end of the academic year.

Section 4. Individual representation units will determine their own methods for selecting members of standing committees consistent with Articles IV and V. Unit representatives shall be faculty members as defined by the Faculty Senate's Constitution, unless otherwise specified under the committee description. Such membership shall be presented to the Faculty Senate at the first meeting of each academic year. Committee members will serve two-year terms for at most four consecutive years, unless otherwise specified under the committee description. Committee service begins and ends at the last senate meeting of spring semester, unless otherwise specified.

### Section 11. Program Review

1. ~~1.~~ Membership shall consist of one tenured faculty member from each representation unit, a faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean, a faculty representative of the Provost's Office designated by the Provost, and two students selected by the Student Government. Each representation unit shall also select an alternate faculty member to serve in case of recusal.

2. Each representation unit's member term shall be four years, with a maximum of two consecutive terms.

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

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Policy 162 Version 1 10/05/2016

## 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](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

### SECTION: **NDSU Policy 162 – SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, AND TITLE IX 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 XXX ☐ No
- Describe change: This policy is required by federal law and implementation of this policy is guided by the

U.S. Department of Education, Office of Civil Rights (OCR). This policy complies with the steps and standards NDSU has to apply in investigations and enforcement of Title IX regarding sex discrimination as described by OCR in: 1) 2001 OCR Guidance; 2) April 4th, 2011 Dear Colleague Letter; 3) 2014 Q&A on Title IX and Sexual Violence; 4) 2015 Dear Colleague Letter and Letter to Coordinators and Resource Guide; and 6) 2016 Dear Colleague Letter on Transgender Students. Explanation of most pertinent changes/additions found below.

- NDSU's Title IX responsibilities to address sex- and gender-based harassment
- NDSU's Clery Act (VAWA Sec. 304) responsibilities to address Sexual Assault, Domestic Violence, Dating Violence, and Stalking
- Overview of the rights and responsibilities of students and employees
- Definitions of Consent, Sexual Assault, Domestic Violence, Dating Violence, Stalking, Sexual Harassment, Sex Discrimination, and Sexual Misconduct
- Differences between criminal and Title IX investigations
- NDSU's Title IX and Clery Act prohibitions on and protections against retaliation
- The identity, role, function of, and how to contact the Title IX Coordinator
- Confidential reporting options on- and off-campus
- Confidentiality/privacy of reports and other investigative information
- Resources available to victims of sex- or gender-based discrimination
- Conducting/documenting adequate, reliable, and impartial investigations
- Possible sanctions and protective measures NDSU may impose following a disciplinary procedure involving Sexual Assault, Domestic Violence, Dating Violence, or Stalking

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

- Office/Department/Name: Canan Bilen-Green, Vice Provost for Faculty and Equity, Old Main, Suite 201
- Date Submitted: 10/5/2016
- Email address of the person who should be contacted with revisions: [canan.bilen.green@nds.edu](mailto:canan.bilen.green@nds.edu)

*This portion will be completed by Mary Asheim.*

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.policy.manual@nds.edu](mailto: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!

North Dakota State University  
Policy Manual

SECTION 162  
SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, AND TITLE IX POLICY  
SEXUAL HARASSMENT POLICY

SOURCE: NDSU President

1. INTRODUCTION

- 1.1 North Dakota State University (NDSU) is committed to providing a safe, healthy, and non-discriminatory learning, living, and working environment for all members of its university community that is free from sex discrimination of any kind. Specifically, NDSU is committed to:
- 1) Defining conduct that constitutes prohibited sexual harassment, gender-based harassment and sexual misconduct;
  - 2) Providing clear guidelines for students, employees and third parties on how to report incidents of sexual harassment, gender-based harassment and sexual misconduct and a commitment that any complaints will be handled respectfully;
  - 3) Promptly responding to and investigating allegations of sexual harassment, gender-based harassment and sexual misconduct, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of complicity and retaliation;
  - 4) Providing ongoing assistance and support to students and employees who make allegations of sexual harassment, gender-based harassment and sexual misconduct;
  - 5) Providing awareness and prevention information on sexual harassment, gender-based harassment and sexual misconduct, including widely disseminating this policy, and implementing training and educational programs on sexual harassment, gender-based harassment and sexual misconduct to university constituencies; and
  - 6) Gathering and analyzing information and data that will be reviewed in order to improve gender equity and safety, reporting, responsiveness and the resolution of incidents.
- 1.2 Title IX of the Education Amendments of 1972 – No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
- 1.3 In accordance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013 (VAWA), the Campus Sexual Violence Elimination Act (SaVE), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and other federal and state laws, NDSU prohibits discrimination based on sex or gender and other types of sexual misconduct in its employment decisions and educational programs and activities. Title IX protects any person from sex based discrimination, regardless of their real or perceived sex, gender identity, and/or gender expression. Female, male and gender non-conforming students and employees are protected from any sex-based discrimination, harassment, or violence.
- 1.4 NDSU prohibits all forms of sexual harassment, gender-based harassment, and sexual misconduct, including but not limited to, intimate partner violence, sexual assault, sexual exploitation, stalking, complicity in the commission of any act prohibited by this policy, and retaliation against a person for the good faith reporting of any forms of misconduct or participation in any investigation or proceeding under this policy.

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1.5 Examples of the types of sex discrimination that are covered under this policy include but are not limited to: the failure to provide equal opportunity in athletics; discrimination in any course or program, notably in science, technology, engineering, and math (STEM); and discrimination based on pregnancy or parental status.

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1.6 For complaints and reports of sexual harassment, gender-based harassment, or sexual misconduct against students, employees, and third parties, general provisions relating to complaint resolution procedures set forth in NDSU Policy 156.6-156.9 shall apply. Informal resolution (mediation) will not be used to resolve complaints of sexual assault and intimate partner violence, as defined in this policy.

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1.7 This policy shall not be construed to restrict academic freedom, nor shall it be used to restrict constitutionally protected freedom of expression.

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1.8 Violations of this policy may result in sanction against an employee (faculty and staff), up to and including termination. Violations of this policy may result in sanction against a student up to and including suspension and expulsion.

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**2. PROHIBITED CONDUCT**

2.1 Sexual Harassment, Gender-Based Harassment and Sexual Misconduct. This policy prohibits sexual harassment, gender-based harassment and sexual misconduct by or against any student, employee or third party. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, written, graphic, physical or otherwise, that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities.

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Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the University's education or work programs or activities. Gender-based harassment does not necessarily involve conduct of a sexual nature.

Sexual misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, intimate partner violence, sexual violence, and other misconduct based on sex.

The complete definitions of these terms, as well as other key terms used in this policy, are set forth in 12.1-12.21 below.

2.2 Retaliation – This policy prohibits any adverse action taken against a person for making a good faith report of sexual harassment, gender-based harassment, or sexual misconduct, assisting someone making such a report, or participating in any proceeding under this policy.

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2.3 Complicity – This policy prohibits any act taken with the purpose of aiding, facilitating, promoting or encouraging sexual harassment, gender-based harassment, or sexual misconduct by another person.

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**2.4 Certain intimate relationships** – NDSU also prohibits certain intimate relationships when they occur between an employee and any student for whom he or she has a professional responsibility as set forth in Policy 162.1.

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**2.5 Interference with an investigation** – Any person who knowingly and intentionally interferes with an investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an investigation may include, but is not limited to:

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- 1) Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- 2) Divulging confidential information;
- 3) Removing, destroying, or altering documentation relevant to the investigation; or
- 4) Providing false or misleading information to the investigator, or encouraging others to do so.

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**2.6 Violations of law** – Behavior that violates this policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the North Dakota Century Code criminalizes and punishes some forms of sexual assault, domestic violence, stalking, and physical assault, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

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**2.7 Obligation to provide truthful information** – All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of prohibited conduct is prohibited and subject to disciplinary action and sanctions under the appropriate disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

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**2.8 Amnesty for drug and alcohol use** – NDSU strongly encourages all University community members to report instances of sexual harassment, gender-based harassment or sexual misconduct as soon as possible. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to report due to potential policy violations. To minimize hesitancy, an individual who reports sexual harassment, gender-based harassment or sexual misconduct, either as a complainant or as a witness, will not be subject to disciplinary action for any violation of NDSU's Policy 155 against alcohol and other drugs in connection with the reported incident.

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### 3. TO WHOM THIS POLICY APPLIES

**3.1** This policy applies to all University students who are registered or enrolled for credit or non-credit courses ("Students"); employees consisting of all full-time and part-time faculty, regular staff employees, and nonbanded, nonacademic staff ("Employees"); and visitors, guests, applicants for admission to or employment with the University, contractors, vendors, university affiliates and others conducting business on campus ("Third Parties").

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**3.2** This policy applies to conduct by or against students, employees, and third parties of which the University is made aware, wherever the misconduct occurs:

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**3.2.1.** On property owned or controlled by NDSU;

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**3.2.2.** Off NDSU property, if

- 1) The misconduct was in the context of a University employment or education program or activity, including, but not limited to, NDSU-sponsored study abroad, research, on-line, or internship programs; or

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2) Outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third parties while on campus or other property owned or controlled by NDSU or in any University employment or education program or activity.

3.3 Conduct under this policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression (real or perceived) of the Reporting Party or Responding Party.

**4. TITLE IX COORDINATOR**

4.1 The Title IX Coordinator oversees NDSU's compliance with Title IX; ensures appropriate education and training; coordinates the University's investigation, response, and resolution of all reports under this policy; and ensures appropriate actions to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. The name and contact information for the Title IX Coordinator can be found on the University's Title IX website.

4.2 Concerns about NDSU's application of Title IX, VAWA, Title VII, or the Clery Act may be addressed to the Title IX Coordinator; the United States Department of Education, Clery Act Compliance Division (at [clery@ed.gov](mailto:clery@ed.gov)); the United States Department of Education, Office for Civil Rights (at <http://www2.ed.gov/about/offices/list/ocr/addresses.html>, [OCR@ed.gov](mailto:OCR@ed.gov) or (800) 421-3481); and/or the Equal Employment Opportunity Commission (at <https://www.eeoc.gov/contact/>, [info@eeoc.gov](mailto:info@eeoc.gov) or (800) 669-4000).

**5. IMMEDIATE ASSISTANCE IN CASES OF SEXUAL MISCONDUCT AND SUPPORT RESOURCES**

5.1 Reporting to law enforcement – Students or employees who experience or observe any form of sexual assault or intimate partner violence on or off campus and third parties who experience sexual assault or intimate partner violence on NDSU grounds are strongly encouraged to report the incident immediately by:

- 1) calling 911,
- 2) contacting the Fargo Police (701-235-4493),
- 3) their local police precinct, or
- 4) NDSU Police (701-231-8998), who are available 24 hours a day, 7 days a week. Campus police and safety officers can also assist the Reporting Party with filing a complaint both on and off campus, and in obtaining immediate medical attention, counseling and other services.

5.2 Obtaining immediate medical attention and emotional support – An individual who experiences any form of sexual assault or intimate partner violence is encouraged to seek immediate medical care to treat injuries, obtain preventive treatment for sexually transmitted diseases, and preserve evidence, among other things. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible, either on or off-campus. On-campus resources include:

- 1) Nurses and/or nurse practitioners at the Student Health Service (701-231-7331; hours of operation: Monday, Wednesday, Thursday, Friday: 8:00 a.m.-5:00 p.m., Tuesday: 8:00 a.m.-7:00 p.m.), and
- 2) Counselors at the NDSU Counseling Center (701-231-7671; Monday, Wednesday, Friday: 8:00 a.m.-5:00 p.m., Tuesday and Thursday: 8:00 a.m.-7:00 p.m.). Counselors are trained to provide crisis intervention and provide referrals for longer-term care as necessary.

5.3 On campus resources, counselors, and health care providers:

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Contact	Phone	Address
<a href="#">Title IX Coordinator</a>	<a href="#">701-231-7708</a>	<a href="#">Old Main 201, NDSU</a>
<a href="#">Dean of Student Life</a>	<a href="#">701-231-8240</a>	<a href="#">Memorial Union 250, NDSU</a>
<a href="#">Equity Office</a>	<a href="#">701-231-7708</a>	<a href="#">Old Main 201, NDSU</a>
<a href="#">NDSU Counseling Center*</a>	<a href="#">701-231-7671</a>	<a href="#">Ceres Hall 212, NDSU</a>
<a href="#">Sexual Assault Prevention &amp; Advocacy</a>	<a href="#">701-231-5733</a>	<a href="#">Memorial Union 250, NDSU</a>
<a href="#">NDSU Student Health Service*</a>	<a href="#">701-231-7331</a>	<a href="#">Wallman Wellness Center, NDSU</a>
<a href="#">SARA Helpline</a>	<a href="#">701-730-6149</a>	-
<a href="#">NDSU Police</a>	<a href="#">701-231-8998</a>	<a href="#">1523 12th Avenue N., Fargo</a>

\*Confidential resources

#### 5.4 Off-campus resources, counselors, and health care providers:

Contact	Phone	Address
<a href="#">F-M Rape &amp; Abuse Crisis Center</a>	<a href="#">701-293-7273</a>	<a href="#">317 8th Street N, Fargo</a>
<a href="#">Sanford Health Emergency Center</a>	<a href="#">701-234-2000</a>	<a href="#">720 4th Street N, Fargo</a>
<a href="#">Essentia Health Emergency Center</a>	<a href="#">701-364-8000</a>	<a href="#">32nd Avenue S, Fargo</a>
<a href="#">Planned Parenthood</a>	<a href="#">281-236-7145</a>	<a href="#">803 Belsey Boulevard, Moorhead, MN</a>
<a href="#">Southeast Human Services</a>	<a href="#">701-298-4500</a>	<a href="#">2624 9th Avenue S., Fargo</a>
<a href="#">Fargo Police Department</a>	<a href="#">701-235-4493</a>	<a href="#">222 4th Street N, Fargo</a>

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## 6. REPORTING SEXUAL HARASSMENT, GENDER-BASED HARASSMENT OR SEXUAL MISCONDUCT

**6.1** All students, employees, and third parties are strongly encouraged to promptly report any incidents of sexual harassment, gender-based harassment, or sexual misconduct that they experience and/or observe to the Title IX Coordinator or the Equity Office.

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**6.2** Any person (student, employee, or third party) having a complaint under this policy (NDSU Policy 162) should submit a completed complaint form available online at <https://www.ndsu.edu/equity/forms/> or by contacting the Title IX Coordinator or the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu). The Complaint Form can be submitted via email at [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu) or by bringing it to the Equity Office. The Equity Office is available to assist with completing the Complaint Form as needed.

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**6.3** Anyone who would like to file a sexual harassment, gender-based harassment, or sexual misconduct complaint against a student or student organization also has the option of filing the complaint with the Dean of Student Life, Memorial Union 250, NDSU Main Campus, 701-231-8240, [janna.stoskopf@ndsu.edu](mailto:janna.stoskopf@ndsu.edu). Complaints filed against a student or student organization will be resolved in coordination with the Dean of Student Life Office. If a complaint against a student or student organization will be resolved through formal resolution, a hearing, and any appeal, will be administered by the Dean of Student Life Office, in coordination with the Equity Office, under the procedures found in Rights and Responsibilities of Community: A Code of Student Conduct.

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**6.4** All students, employees, and third parties may also report incidents of sexual misconduct to law enforcement, including on-campus and local police. Reporting parties who choose to notify law enforcement will be provided the assistance of the Title IX Coordinator or the Equity Office in contacting these authorities if the individual wishes. Reporting Parties may also decline to notify law enforcement of incidents of sexual misconduct.

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6.5 Reports of sexual misconduct made to NDSU Police will automatically be reported to the Title IX Coordinator regardless of whether the individual who experienced the sexual misconduct chooses to pursue criminal charges.

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6.6 Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the mandatory reporting requirements stated in 7.1-7.3. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These individuals are encouraged to provide students or employees with information and guidance regarding university reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to university administrators without the student or employee's express permission.

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6.7 Anonymous reporting - NDSU students and employees may report incidents of sexual harassment, gender-based harassment, or sexual misconduct anonymously. NDSU may be limited in its ability to respond to a report if it is submitted anonymously. Additionally, in very limited circumstances, NDSU may need to take action to learn the identity of an individual who submitted an anonymous report. For more information, see <https://www.ndsu.edu/biasreport/>.

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## 7. NOTICE OF MANDATORY REPORTING RESPONSIBILITIES

7.1 It is the responsibility of the entire university community to foster a safe, healthy, and non-discriminatory learning, living, and working environment that is free from sex discrimination of any kind. NDSU employees have specific responsibilities when they observe discrimination or receive a report of discrimination. NDSU employees must not dissuade an individual (or group) from providing them with a report of discrimination but should inform the individual (or group) of their mandatory reporting responsibilities as described below.

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7.1.1. Observance of sexual misconduct – All NDSU employees who observe any form of sexual misconduct must notify the Title IX Coordinator or the Equity Office.

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7.1.2. Report of sexual misconduct – All NDSU employees who receive a report of sexual misconduct involving a student must contact the Title IX Coordinator or the Equity Office. NDSU supervisors, managers, department heads, deans, directors, or administrators who receive a report of discrimination involving employees must document the report and contact the Title IX Coordinator or the Equity Office. The provisions of 11.1.1 do not apply to confidential support resources providing services as described in 9.3.

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7.2 To comply with 7.1.1. or 7.1.2, NDSU employees must within three business days notify the Title IX Coordinator or the Equity Office. Employees are encouraged to complete and submit an NDSU Sexual Misconduct Report Form (Report Form) to the Title IX Coordinator or the Equity Office. The Report Form is available online at <https://www.ndsu.edu/forms/> or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu). The Report Form can be submitted via email at [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu) or by bringing it to the Equity Office. The Equity Office can assist with completing the Report Form as needed. The Equity Office is the official university record holder for documentation under this policy.

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7.3 Upon receipt of a report of a violation, NDSU will initiate its complaint procedures.

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## 8. REMEDIAL AND PROTECTIVE MEASURES

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8.1 Upon receipt of a complaint or as otherwise informed of sexual harassment, gender-based sexual harassment, or sexual misconduct NDSU will, where appropriate, take interim measures to stop, prevent, and remedy the harm to those affected by the prohibited conduct. Interim measures are intended to be protective and/or remedial for one or both parties, and may be temporary or permanent and may be modified by the University as circumstances change.

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8.2 Remedial measures may include, but are not limited to, a no contact directive, a safety plan, residence modifications, academic modifications and support, work schedule and/or location modifications, parking modifications, referral to counseling or other health services, administrative leave, temporary suspension, or any other measure deemed appropriate by NDSU.

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8.3 Remedial measures may be kept in place through the conclusion of any review, investigation, or appeal process.

8.4 Remedial measures can be implemented regardless of whether or not the reporting party pursues formal university or criminal action.

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## 9. PRIVACY AND CONFIDENTIALITY

9.1 Confidentiality will be maintained to the extent possible - NDSU will keep the complaint and its investigation confidential to the extent that it is possible without compromising NDSU's commitment and obligation to investigate allegations of sexual misconduct, to protect the university community, and to the extent allowed by law. As NDSU has an obligation to maintain an environment free of sex discrimination and sexual misconduct, most employees have mandatory reporting and response obligations and may not be able to honor a reporting party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality. However, confidentiality cannot be guaranteed as NDSU may have an obligation to take specific actions once aware of alleged conduct.

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9.2 NDSU is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. Information related to a report of prohibited conduct will be shared with a limited circle of NDSU employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in NDSU's response to reports of prohibited conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

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9.3 Confidential support resources - If seeking a confidential resource, NDSU students may contact the NDSU Counseling Center (212 Ceres Hall, NDSU Main Campus, 701-231-7671) and the Student Health Service (Wallman Wellness Center, NDSU Main Campus, 701-231-7331). The Faculty/Staff Assistance Program, as described in NDSU Section 134, is a confidential resource for NDSU employees.

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## 10. TRAINING AND EDUCATION

10.1 This policy is published on the university's website and information on this policy and related policies is included in mandatory training for new students and employees.

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10.2 All new employees must attend training within the first 60 days of employment and receive supplemental training every three years.

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10.3 Employees are encouraged to contact the Title IX Coordinator or the Equity Office with any questions they may have related to sexual harassment, gender-based sexual harassment, or

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sexual misconduct at NDSU, including inquiries regarding their mandatory reporting responsibilities.

10.4 University employees and administrators responsible for implementing this policy, including the Title IX Coordinator, deputy coordinators, supervisors, managers, department heads, deans, directors, investigators, review committee members, and hearing officers, must receive annual training about offenses, investigatory procedures, due process requirements, and university policies related to or described in this policy.

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## 11. FREE EXPRESSION AND ACADEMIC FREEDOM

NDSU is committed to free expression and principles of academic freedom. Vigorous discussion and debate, as well as free inquiry and free expression, are essential to NDSU's educational mission and are critical to diversity and intellectual life. NDSU is equally committed to providing a safe, healthy, and non-discriminatory learning, living, and working environment for all members of its university community. Discrimination, harassment, and retaliation against members of the University community are not protected expression or the proper exercise of academic freedom. When resolving violations of this policy, NDSU will respond appropriately while respecting the principles of free expression and academic freedom.

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## 12. DEFINITIONS

The terms and definitions used here are important components of University policy. The definitions are intended to give meaning to these terms in the context of the University community. Criminal and other applicable state laws may use different definitions. Section 13 provides North Dakota criminal law terms and definitions.

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12.1 **Complicity** - Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

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12.2 **Consent** - Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

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Consent must be all of the following:

- 1) **Knowing:** Consent must demonstrate that all individuals understand, are aware of, and agree to the "who" (same partners), "what" (same acts), "where" (same location), "when" (same time), and "how" (the same way and under the same conditions) of the sexual activity.
- 2) **Active:** Consent must take the form of "clearly understandable words or actions" that reveal one's expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a "no") should not - in and of themselves - be understood as consent. Consent cannot be inferred by an individual's manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.
- 3) **Voluntary:** Consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure) or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).
- 4) **Present and ongoing:** Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one

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type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time – provided the person withdrawing consent makes that known in clearly understandable words or actions.

Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age, physical condition, or disability that impairs the individual's ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, incapacitation due to consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring. Consent is not effective if it results from: (a) the use of physical violence, (b) threats, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to engage in sexual activity. When determining whether consent was present, the University will consider whether a reasonable person in the same position should have known whether the other party could or could not consent to the sexual activity.

**12.2.1. Physical violence** means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

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**12.2.2. Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

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**12.2.3. Intimidation** is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

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**12.2.4. Coercion** is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

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**12.2.5. Incapacitation** is a state of being that prevents an individual from having capacity to give consent. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

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**12.3 Discrimination Based on Pregnancy or Parental Status** - Excluding persons from, denying them the benefit of, or discriminating against them due to their pregnancy or status as a parent. To ensure a pregnant student's access to their education, faculty and staff must make modifications that are reasonable and responsive to the student's temporary pregnancy status. Faculty that have their own policies about class attendance and make-up work must make sure their policies are not discriminatory.

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**12.4 Gender-Based Harassment** - Verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the University's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this Policy.

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**12.5 Intimate Partner Violence** - Any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence is an offense that meets the definition of domestic violence or dating violence:

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**12.5.1. Domestic Violence** - Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common or by a person with whom the Reporting Party is cohabiting (or has cohabited) with a spouse or intimate partner.

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**12.5.2. Dating Violence** - Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined based on the Reporting Party's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

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**12.5.3.** Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

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**12.5.4. Physical Assault** is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

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**12.6 Public Indecency** - Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to: 1) Exposing one's genitals or private areas; 2) Public urination; 3) Defecation; and/or 4) Public sex acts.

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**12.7 Reporting Party** - A person or entity (in the case of the university) who submits a complaint alleging a violation of this policy.

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**12.8 Responding Party** – Generally, the Responding Party is the person who is alleged to be responsible for the Prohibited Conduct alleged in a complaint.

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**12.9 Retaliation** – Any adverse action taken against a person for making a good faith report of Prohibited Conduct, assisting someone making such a report, or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

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**12.10 Sexual Assault** – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual assault includes nonconsensual sexual contact and nonconsensual sexual intercourse.

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**12.10.1. Nonconsensual Sexual Contact** – Any intentional sexual touching, however slight, with any object or body part without consent. Sexual Contact includes:

- 1) Intentional contact with the breasts, buttock, groin, or genitals whether clothed or unclothed;
- 2) Touching another with any of these body parts;
- 3) Making another touch you or themselves with or on any of these body parts; or
- 4) Any other intentional bodily contact in a sexual manner.

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**12.10.2. Nonconsensual Sexual Intercourse** – Any sexual penetration or intercourse, however slight, with any object or body part, by a person upon another person that is without consent and/or is effectuated by force. Sexual intercourse includes

- 1) Vaginal or anal penetration by a penis, tongue, finger, or object; or
- 2) Any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

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**12.10.3. The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.**

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- 1) Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.
- 2) Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 3) Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- 4) Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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**12.10.4. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment.**

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**12.11 Sex Discrimination** – An act that deprives a member of the university community of his or her rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits, or opportunities with the university on the basis of the

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person's sex (including pregnancy, sexual orientation, and gender identity/expression) or having a policy or practice that has a disproportionately adverse impact on protected class members.

**12.12 Sexual Exploitation** – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Sexual Exploitation includes, but is not limited to:

- 1) Recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person's consent;
- 2) Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
- 3) Engaging in voyeurism (watching private sexual activity without the consent of the participants or viewing another person's intimate parts, including genitalia, groin, breasts or buttocks, in a place where that person would have a reasonable expectation of privacy);
- 4) Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity;
- 5) Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals or private areas;
- 6) Prostituting another person; or
- 7) Exposing another person to a sexually transmitted disease (STD), infection (STI), or virus (HIV) without the other's knowledge.

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**12.13 Sexual Harassment** – Unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, written, graphic, physical or otherwise, when:

- 1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (*quid pro quo* harassment); or
- 2) Such conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities (hostile environment).

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**12.13.1. Quid pro quo sexual harassment** can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute sexual harassment.

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**12.13.2. A hostile environment** can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

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**12.14 Sexual Misconduct** – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, gender-based harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, intimate partner violence, sexual violence, and other misconduct based on sex.

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**12.15 Stalking** – A course of unwelcome conduct directed at a specific person that would cause a reasonable person to fear for his/her own safety or the safety of others or would cause that

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person to suffer substantial emotional distress. Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and similarly situated to the Reporting Party. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

12.15.1. Stalking includes "Cyber-Stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

12.16 Examples of inappropriate behavior that may constitute Sexual Harassment or Sexual Misconduct include, but are not limited to:

- 1) Sexual teasing, jokes, remarks, or questions;
- 2) Sexual looks and gestures;
- 3) Sexual innuendoes, humor, or stories;
- 4) Communicating in a manner with sexual overtones;
- 5) Inappropriate comments about dress or physical appearance;
- 6) Inappropriate discussion of private sexual behavior;
- 7) Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- 8) Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- 9) Sexual favoritism;
- 10) Pressure for dates or sexual favors or forced sexual activity;
- 11) Unwelcome sexual advances;
- 12) Unwelcome physical contact (touching, patting, stroking, rubbing);
- 13) Nonconsensual video or audio-taping of sexual activity;
- 14) Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals or private areas;
- 15) Unwelcome sexual advances;
- 16) Obscene gestures
- 17) Sexual graffiti, pictures, or posters;
- 18) Sexually explicit profanity;
- 19) Domestic or dating violence;
- 20) E-mail, texting ("sexting") and Internet use that violates this policy;
- 21) Nonconsensual sexual intercourse, sexual assault, or rape; or
- 22) Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

### 13. RESOURCE OF RELEVANT TERMS AND DEFINITIONS IN NORTH DAKOTA

Because some of the offenses in this Policy are also crimes under State law, the University provides this summary of relevant North Dakota terms and definitions as a resource. Community members who are involved in legal action related to a sexual crime or offense under North Dakota law should consider speaking with an attorney for specific information about relevant State law and legal advice.

13.1 The North Dakota Human Rights Act prohibits discrimination in employment on the basis of sex, including pregnancy, childbirth and related medical conditions (ND Cent. Code Sec. 14-02.4-01 et seq.). Sexual harassment is expressly included in the Act's definition of discrimination based on sex. The Act applies to all employers in the state. It is also unlawful under the state law to retaliate or threaten to retaliate against a person who files a complaint of sexual harassment, or testifies or assists in a proceeding or investigation.

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**13.2** Consent is defined in North Dakota as follows (NDCC 12.1-17-08):

1. When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is a defense if:
  - (a) Neither the injury inflicted nor the injury threatened is such as to jeopardize life or seriously impair health;
  - (b) The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
  - (c) The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.
2. Assent does not constitute consent, within the meaning of this section, if:
  - (a) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
  - (b) It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
  - (c) It is induced by force, duress, or deception.

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**13.3** Domestic violence is defined in North Dakota (NDCC 14-07.1-01) as physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members. The code defines family or household member as a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court. As the State of North Dakota includes persons who are in a dating relationship under the state's domestic violence laws, any violence committed by dating parties would fall under domestic violence.

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**13.4** NDCC 12.1-17-07.1 states that no person may intentionally stalk another person. The state defines "stalk" as engaging in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation or harassment. The state defines course of conduct as a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity. The state defines immediate family as a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.

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

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

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

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

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

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

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HISTORY:

New	September 29, 1980
Amended	October 7, 1987
Amended	June 28, 1991
Amended	April 1992
Amended	October 1997
Amended	August 1999
Amended	September 2000
Amended	September 2007
Amended	January 2008
Amended	February 2009
Housekeeping	April 14, 2016

**SR-XX-17**

**A Resolution in Support of Cancelling All NDSU Classes the Day Before Thanksgiving**

**Whereas**, North Dakota State University (NDSU) is a student focused university, and

**Whereas**, many NDSU students have long drives home for the Thanksgiving holiday, and

**Whereas**, there are NDSU students who need to skip class the day before Thanksgiving or drive through the night in order to make it home, and

**Whereas**, Thanksgiving is within the season that the most motor-vehicle accidents are reported<sup>1</sup>, and

**Whereas**, all NDSU students should be able to spend the entire Thanksgiving day with their families, and

**Whereas**, research shows that family time is vital to a student's mental health and well-being<sup>2</sup>, and

**Whereas**, there is a current lack of uniformity in the cancellation of classes the day before Thanksgiving, therefore be it

**Resolved**, that NDSU Student Senate supports the cancellation of all NDSU classes the day before Thanksgiving.

Respectfully submitted,

Kashalyn McKinster

Student Senator | Resident Halls

Briana Heskin

Student Senator | College of Business

Julina Hilliard

Student Senator | Off-Campus

Eduardo I. Faundez

Student Senator | College of Graduate Studies

1. CDC, "Reducing the risk for injury while traveling for Thanksgiving holidays"  
Morbidity and Mortality Weekly Report 50, No. 45 (2001), 1016-1017.
2. Ramon B. Zabriskie, and Bryan P. McCormick, "The Influences of Family Leisure  
Patterns on Perceptions of Family Functioning," Family Relations 50, No. 3 (July  
2001): 281-289.

## Policy Change Cover Sheet

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

### SECTION: Policy 327- Evaluation of Academic Deans, Directors and Department Chairs and Heads

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: adding Provost and FT Vice Provosts, Academic Vice Presidents, and FT Associate/Assistant Deans, to be evaluated under this policy; clarifying annual review and comprehensive review responsibilities; changing comprehensive review from every three years, to year three of initial appointment and every five years thereafter; streamlining evaluation criteria; separating evaluation procedure from policy.
- Version 2 includes Faculty Senate recommendation to remove references to confidentiality in Section 5 under Procedure; the review cannot be confidential due to state requirements.
- Version 2 was approved by the Faculty Senate. Those changes are mapped out in the current document. In addition, Version 3 includes minor wording changes to sections 3-5 to incorporate feedback from legal counsel. Hence, the vast majority of the revisions in this document were originally approved by the Faculty Senate.

Please note that the attached procedures are provided as information to accompany the policy changes and do not need to be voted upon.

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, working with the Office of the Provost – submitted 10-16-2015
- Email address of the person who should be contacted with revisions: [Daniel.Friesner@nds.edu](mailto:Daniel.Friesner@nds.edu)  
[Karon.Froelich@nds.edu](mailto:Karon.Froelich@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 11/7/16

Faculty Senate:

Staff Senate: 11/16/16

Student Government: 11/16/16

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Policy 327 Version 3 10/19/16

**President's Cabinet:** 11/16/16

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](mailto: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!

**SECTION 327**  
**EVALUATION OF ACADEMIC ADMINISTRATORS~~ACADEMIC DEANS, DIRECTORS~~**  
**~~AND DEPARTMENT CHAIRS AND HEADS~~**

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~~honest, open, and forthright~~; including an acknowledgment of the employee's achievements, as well as an assessment of his or her ability to match the university's expectations, ~~and a determination of areas needing improvement.~~

~~As this evaluation process policy pertains to the campus 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, directors, and other academic supervisory personnel, the evaluation process will include input from a variety of groups; faculty will play a major role in evaluation of academic administrators. It is expected that an evaluation will always emphasize areas of special achievement, while also identifying areas needing improvement. This should be a constructive and useful experience to be welcomed by the person being evaluated. It is a required part of an ongoing process designed to ensure that the person evaluated continues to meet both his or her own needs, as well as the needs of affected university publics.~~

**2. Annual Review~~Timetables~~**

Each administrator covered by this policy will be reviewed annually by the administrative supervisor to whom that person reports in accordance with Policy 167.

**3. Comprehensive Review**

All administrators covered under this policy will undergo a comprehensive review. Evaluation of deans, directors, and chairs will include input from a variety of groups. This document is designed to guide faculty, as they play a major role in evaluation of academic supervisors. It is expected that deans, chairs, and directors will be evaluated formally. The first comprehensive review will be completed by the end of the administrator's third year of appointment. Subsequent reviews will occur at least every three years, to be completed by the end of the fifth year after the prior review. Interim reviews may be initiated requested 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 review will be completed within two years of that review. The college or department Promotion, Tenure and Evaluation (PTE) committee, supervising administrator, or the employee himself/herself may request an evaluation.

**4. Common Review Criteria**

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Review criteria ~~will~~ should be based on the administrator's job description and which 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 ~~position of the administrator~~ job description; therefore, some criteria above may not apply and others may be added.

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## 5. Procedures

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Comprehensive ~~r~~Reviews will be initiated by the administrator's supervisor, and must be conducted according to the Comprehensive Review Procedures for Academic Administrators.

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Review committees – consisting of tenured faculty, relevant administrators, and staff – will be formed in accordance with the Comprehensive Review Procedures. The review committee shall prepare a report summarizing its findings for submission to the supervisor.

~~As personnel matters, reviews and any materials generated during the review process are confidential.~~ The supervisor will provide a summary of the review to the unit ~~for public distribution.~~

## 3. Evaluation of academic deans and directors

### 3.1 — Evaluation standards

While standards vary among colleges and divisions, the considerations below are designed to help guide Evaluation Committees in forming their evaluation:

- a) Leadership. Promotes high standards for the unit in areas of scholarship, instruction, and outreach; communicates priorities, standards, and administrative procedures effectively; articulates a vision for the future; provides national and statewide visibility and recognition for the unit; contributes to the leadership of the university and effectively advocates for the university.
- b) Planning. Works effectively with staff in identifying appropriate short-term and long-term goals, in setting priorities, and in focusing resources across all unit missions.
- c) Administration and Management. Oversees the recruitment and appointment of highly qualified staff; provides support for the successful recruitment and retention of chairs, faculty and staff; manages the dean's or director's office effectively; shares governance with staff when appropriate; provides for effective budget management; works effectively with other colleges; makes decisions in a timely fashion.

## Policy 327 Version 3 10/19/16

- d) ~~Affirmative Action. Encourages diversity and implements mechanisms for attracting and retaining women and underrepresented groups; encourages respect for all persons in the unit.~~
- e) ~~Instruction. Coordinates and implements curricula as developed by the faculty.~~
- f) ~~Outreach. Promotes the service component of the unit's mission; provides mechanisms for the successful delivery of outreach programs; is responsive to the needs of external constituencies.~~
- g) ~~Development. Within the context of the college, successfully works with the Development Foundation and other organizations in identifying and pursuing philanthropic support for the unit; develops public and constituency support for the unit.~~
- h) ~~Personnel Development. Supports and defends academic freedom; provides guidance, support and resources for faculty and staff development, particularly in promotion, tenure and evaluation.~~
- i) ~~Assessment. Effectively evaluates or assesses the units under his/her administration; acknowledges areas of excellence, and recommends areas where improvement is needed.~~

3.2 ~~Evaluation Procedures~~

- a) ~~The Office of the Provost initiates evaluations of these administrators. To ensure faculty involvement, the faculty of a college or unit must organize a committee consisting of full time non-administrative faculty at the assistant professor, associate professor, or full professor level. Members of the Evaluation Committee are recommended to the Provost the college or unit's PTE Committee, as appropriate under the evaluative charge of this group. However, members of the college's PTE Committee cannot appoint themselves.~~
- b) ~~The number of faculty on the committee may be flexible, but should total at least five. Evaluation Committee members should decide at an initial meeting the number of members constituting a quorum. A timetable should be set in consultation with the Provost or other senior administrative office to assure that the faculty evaluation material is ready in time to be included in the entire evaluation document.~~
- c) ~~The Evaluation Committee will propose a written evaluation form based upon the formal job description, dean's statement of goals and accomplishments, and a statement of self-assessment. A draft of this proposed evaluation form will be made available to the dean/director, who will be invited to offer input before it is finalized. The final evaluation form will be used to solicit responses from faculty, chairs, peer administrators, and others including classified staff, students, recent graduates, and external constituencies, if appropriate.~~

## Policy 327 Version 3 10/19/16

- d) ~~The Evaluation Committee will analyze the completed evaluation forms and prepare a committee evaluation report summarizing the findings for the Provost. Evaluation Committee members who do not agree with the majority report may append a dissenting report. If the Evaluation Committee believes the needs of the college or division have changed, it may recommend to the Provost that the position description be changed.~~
- e) ~~Upon receipt of the committee's evaluation report, the Provost will also analyze and summarize the data. The Provost will then meet with the Evaluation Committee to determine consensus and discuss differences. The Provost will prepare a draft report of the final evaluation and provide it to the dean. The Provost will meet with the dean and discuss the findings of the Evaluation Committee. Following this meeting, a final evaluation report will be written and placed in the individual's official personnel file. To ensure that the process remains open and positive, it is strongly suggested that the dean/director discuss this final evaluation report at a subsequent college or division faculty meeting.~~
- f) ~~At any time, faculty or staff not on the committee, of course, may contact the Office of the Provost or other appropriate supervising officer directly with compliments or concerns relating to the person being evaluated.~~

#### 4. ~~Evaluation of chairs and heads~~

##### 4.1 ~~Evaluation standards~~

~~While standards vary among colleges and divisions, the considerations below are designed to help guide Evaluation Committees in forming their evaluation.~~

- a) ~~Leadership. Promotes high standards for the unit in areas of scholarship, instruction, and outreach; communicates priorities, standards, and administrative procedures effectively; articulates a vision for the future; provides national and statewide visibility and recognition for the unit; contributes to the leadership of the university and effectively advocates for the university.~~
- b) ~~Planning. Works effectively with staff in identifying appropriate short-term and long-term goals, in setting priorities, and in focusing resources across all unit missions.~~
- c) ~~Administration and Management. Oversees the recruitment and appointment of highly qualified staff, provides support for the successful recruitment and retention of faculty and staff, manages the department office effectively, shares governance with staff when appropriate, provides for effective budget management, works effectively with other departments, makes decisions in a timely fashion.~~
- d) ~~Affirmative Action. Encourages diversity and implements mechanisms for attracting and retaining women and underrepresented groups; encourages respect for all persons in the unit.~~

## Policy 327 Version 3 10/19/16

- e) ~~Instruction. Coordinates and implements curricula as developed by the faculty.~~
- f) ~~Outreach. Promotes the service component of the unit's mission, provides mechanisms for the successful delivery of outreach programs, is responsive to the needs of external constituencies.~~
- g) ~~Development. Within the context of the (college) unit, successfully works with the Development Foundation and other organizations in identifying and pursuing philanthropic support for the unit; develops public and constituency support for the unit.~~
- h) ~~Personnel Development. Supports and defends academic freedom; provides guidance, support and resources for faculty and staff development, particularly in promotion, tenure and evaluation.~~
- i) ~~Assessment. Effectively evaluates or assesses the units under his/her administration; acknowledges areas of excellence, and recommends areas where improvement is needed.~~

#### 4.2 ~~Evaluation Procedure for chairs and heads~~

- a) ~~Chairs also must be evaluated at least once every three years, with the dean of the college or the director of the unit initiating the evaluation process. The dean, in conjunction with the department faculty, will form an ad hoc committee consisting of at least three faculty members.~~
- b) ~~This ad hoc committee chair will propose a written evaluation form based upon the chair's formal job description, statement of goals and accomplishments, and a statement of self-assessment. A draft of this proposed evaluation form will be made available to the chair, who will be invited to offer input before the document is finalized. The final evaluation form will be used to solicit response from faculty, peer administrators, and others including classified staff, students, recent graduates, and, if appropriate, external constituencies.~~
- c) ~~The ad hoc committee will analyze the completed evaluation forms and prepare a report summarizing the findings for the dean. Evaluation Committee members who do not agree with the majority report may append a dissenting report. If the Evaluation Committee believes the needs of the department or unit have changed, it may recommend to the dean that the position description be changed.~~
- d) ~~Upon receipt of the report from the Evaluation Committee, the dean will also analyze and summarize the data. The dean will then meet with the ad hoc committee to determine consensus and discuss differences. The dean will prepare a draft report and provide it to the chair. The chair will meet with the dean regarding the report. Following this meeting, a final report will be written and placed in the individual's official personnel file. To ensure that the process remains open and positive, it is strongly suggested that the chair discuss this evaluation at a subsequent department faculty meeting.~~

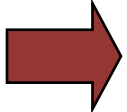
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~~e) At any time, faculty or staff not on the committee, of course, may contact the deans' office or other appropriate supervising officer directly with compliments or concerns relating to the person being evaluated.~~

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

# Policy Change Cover Sheet

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## SECTION:

## Policy 723: Use of Unmanned Aircraft Systems

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 proposed new policy is to address the use of Unmanned Aircraft Systems (UAS) for university related activities. The policy states that employees and students must comply with Federal Aviation Administration regulations and other applicable laws. It directs users to a web page where NDSU procedures are found. The policy describes the role of the university UAS Advisory Panel.
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted: Office of Research and Creative Activity, Aaron Reinholz, 10/31/2016
  - Email address of the person who should be contacted with revisions: [aaron.reinholz@nds.edu](mailto:aaron.reinholz@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 11/7/16

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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# North Dakota State University

## Policy Manual

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### SECTION 723

#### USE OF UNMANNED AIRCRAFT SYSTEMS

SOURCE: NDSU President

1. The operation of Unmanned Aircraft Systems (UAS) is regulated by the Federal Aviation Administration (FAA) and relevant state law. The term UAS includes all types of unmanned aircraft including what are commonly called drones and model aircraft. North Dakota State University employees and students must comply with FAA requirements, state law, and any other locally applicable laws or regulations for flight operations of unmanned aircraft systems over NDSU property or for any university related activity.
2. NDSU will establish procedures to ensure compliance with these legal obligations and to reduce the risks of UAS flight operations to safety, security and privacy. The procedures can be obtained from the [NDSU UAS web page](#).
3. As part of its commitment to growing the use of UAS for research and education, and its commitment to ensuring that such use is being conducted according to the regulations, NDSU has established a UAS Advisory Panel. The UAS Advisory Panel provides oversight for the establishment and maintenance of the UAS procedures. They also review the proposed use of UAS for research and education purposes to consider any privacy or ethics related concerns.

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HISTORY:

New

**NDSU Faculty Senate**  
January 23, 2017  
Prairie Rose, Memorial Union  
Agenda

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- I. Call to Order
- II. Attendance
- III. Approval of agenda
- IV. Approval of previous meeting minutes from December 12, 2016
- V. Consent agenda – none
- VI. Announcements
  - a. Dean Bresciani, President
  - b. Beth Ingram, Provost
  - c. Katie Gordon, Faculty Senate President
  - d. Stuart Haring, Faculty Senate President-Elect
  - e. Jim Osland, Staff Senate President
  - f. Amelia Pfarrer and Brendan Curran, Student Government Representatives
- VII. Senate Committee Reports – none
- VIII. Unfinished Business - none
- IX. New Business
  - a. 352 - Alan Denton, ad hoc Committee of the Faculty Senate for Review of Policy 352 (**attachment 1**)
  - b. 353 - Tom DeSutter, Dan Friesner – Faculty Affairs Committee (**attachment 2**)
  - c. 611.1 – Alicia Kauffman, International Student and Study Abroad Services (**attachment 3**)
  - d. Bison Guides (information for faculty) - Anne Johnson
  - e. Discussion of whether there is interest in forming a Faculty Senate Legislative Affairs committee – Dennis Cooley
- X. Adjourn



## Attachment 1

Policy 352 Version 1 11-16-2016

### Policy Change Cover Sheet

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#### SECTION:

Policy 352 – Promotion, Tenure and Evaluation

Section 2.2.3 SERVICE EVIDENCE

Section 3.5 Faculty Hired with Previous Relevant Experience

Sections 2.1, 3.1, 3.3, 4.5 Professors of Practice and Research Professors

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:
  - (1) Adds to Service Evidence contributions to fostering a campus climate that supports and respects faculty, staff, and students who have diverse cultures, backgrounds, and points of view. (2) Clarifies number of years of tenure credit that may be offered to faculty hired with previous relevant experience. (3) Adds expectations for Professors of Practice and Research Professors and guidelines for promotion of faculty in such positions.
- 2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted: ad hoc Committee of the Faculty Senate for Review of Policy 352 – submitted 11-16-2016
  - Email address of the person who should be contacted with revisions: [Alan.Denton@nds.edu](mailto:Alan.Denton@nds.edu)

*This portion will be completed by Mary Asheim.*

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:

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## North Dakota State University Policy Manual

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### 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. 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 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.

## Attachment 1

### 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 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;
  - 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:

## Attachment 1

- 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 presentation of scholarly or professional papers, and publication of books 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;

## Attachment 1

- 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.~~65~~ effective management or improvement of administrative procedures or programs;
- 2.2.3.2.76 contributions to knowledge as editors of scholarly publications, or service on editorial boards, juries, or panels;
- 2.2.3.2.87 contributions to the operation of state or federal agencies.

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 ~~which that~~ were provided to the candidate at the time of the candidate's appointment to the position.

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## Attachment 1

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 shall be evaluated by the criteria in effect at the time of application.

### ~~3.3.3.4.~~ 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 ~~(from one to three)~~ number of years of tenure credit offered.

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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

## Attachment 1

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

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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.



## Attachment 1

- 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. Equal Opportunity Grievance 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 Each academic unit shall establish the criteria for promotion and tenure, including early promotion, as part of its statement on promotion, tenure, post-tenure review, and evaluation.

## 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 schedule as for tenure-line faculty. Faculty in such positions are eligible to apply for promotion from assistant to associate, or from associate to full, after the completion of five years in rank.

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- 4.65 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.
- 4.76 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.
- 4.87 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 election to a college or department PTE Committee. 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. Faculty members and administrators being considered for promotion may not be involved in any candidate review and recommendation process, including the selection of external reviewers, while under consideration.
- 5.3 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

## Attachment 1

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.

- 5.4 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.
- 5.5 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.

## 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 shall 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 no later than November 1.
- 6.2 After November 1, 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.
- 6.2.1 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.
- 6.2.2 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

## Attachment 1

and must be included in the portfolio for review at the next level.

- 6.5 Allegations of misconduct discovered after November 1 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 until the allegations are resolved. Once the PTE process resumes, the candidate may update the portfolio.
- 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 by January 5. 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 by January 5. 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

## Attachment 1

- 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.

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#### 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

## Attachment 2

Policy 353 Version 3 11/28/16

### 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](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

#### SECTION: **353: GRIEVANCES-FACULTY**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes   x No
  - Describe change: This revision clarifies some of the grievance policy steps and includes timelines for courses of action.
2. This policy was originated by (individual, office or committee/organization):
  - Faculty Affairs Committee
  - Tom DeSutter, [thomas.desutter@nds.edu](mailto:thomas.desutter@nds.edu)
  - Dan Friesner, [Daniel.Friesner@nds.edu](mailto:Daniel.Friesner@nds.edu)

*This portion will be completed by Kelly Hoyt.*

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: 12/5/16

Faculty Senate:

Staff Senate:

Student Government:

President's Council:

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](mailto: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!

## North Dakota State University Policy Manual

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### SECTION 353 GRIEVANCES – FACULTY

SOURCE: SBHE Policy Manual, Section 612  
NDSU President

1. ~~This Policy is intended to provide a fair, internal process for resolving certain employment-related disputes that arise between faculty or academic staff members and administrators. Each institution shall establish procedures to attempt mediation or resolution of faculty grievances.~~
- ~~2.~~ "Grievance" means an allegation of a violation ~~by an NDSU administrator~~ of a specific Board or institutional policy, procedure  
2. or practice pertaining to the employment relationship. This includes the terms of the grievant's employment contract. Discretionary actions, such as salary ~~adjustments-increases~~ and performance evaluations, may not be grieved, except to determine: (a) whether the discretionary action was made in accordance with relevant Board or institutional policies, practices, procedures or criteria; and (b) whether the action constitutes a clear abuse of discretion.  
  
"Grievance" ~~does not include Complaints involving~~  
any matters covered under ~~NDSU policies 350.1-350.5 and 352 or equal opportunity grievances which are governed by NDSU Policy 156~~SBHE Policy, Section 605.3 or 605.4 are not grievances under this policy. Grievances cannot be filed against written ~~SBHE or NDSU Board and institutional~~ policies, per se  
~~Decisions~~  
~~on matters related to tenure and promotion may be appealed under NDSU policy 350.1-350.5 and 352. Equal opportunity grievances are governed by NDSU Policy 156.~~
3. This policy applies only to faculty as defined in ~~NDSU Policy 350.1~~SBHE Policy, Section 605.1 of these policies. It does  
~~not apply to classified staff or to administrators or coaches.~~
4. ~~The faculty governance structure at each institution shall by policy define the procedures for filing a grievance in accordance with SBHE Policy, Section 305.1 of these policies. 4.1 Actions or conditions subject to grievances are those which apply personally to the grievant and are administrative decisions affecting terms and conditions of employment, such as salary adjustments, development leave, assignments/duties, periodic reviews and working environment. Grievance does not include matters related to tenure or promotion.~~
4. ~~2~~A grievant ~~Grievant may only initiate the grievance process described in this policy after communicating with the administrator whose decision is the subject of the grievance (the "respondent") in attempting a good-faith attempt communication to resolve the matter. with the person whose decision is the subject of the grievance (the "respondeen~~ grievant may ~~only~~ initiate the grievance process ~~after attempting a good faith communication with the~~ by 1)communicating with the person whose

## Attachment 2

- ~~5. decision is the subject of the grievance (the "respondent")~~ In the event that such communication fails to achieve a satisfactory result, then the grievant must attempt to -and 2) then discuss the matter with the ing the grievance with that respondent's person's
- ~~6. immediate supervisor. The grievant shall put the basis for the grievance in writing if requested by either the respondent or the respondent's any supervisor. In the event that communication with the supervisor fails to achieve a satisfactory result, then thef the outcome of these steps is unsatisfactory to the grievant, a grievant may~~
- ~~7. then appeal to a Special Review Committee (the "SRC") 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 officially notified of the grievable issueaction or when the grievant becomes aware of a grievable condition~~
- ~~8. that she/he was not made aware of by written means. The grievant is permitted to may need to file an appeal~~
- ~~9. to the SRCpecial Review Committee prior to the outcome of the previous steps in order to retain the right of appeal. The SRC shall review the written grievance in order to determine if the grievance was timely filed and if the matter is properly grievable. The SRC shall dismiss the grievance if the matter was not timely grieved or properly grievable. Such decision to dismiss by the SRC shall be appealable by either party to the In the event of a dispute as to whether an action is a matter related to tenure or promotion~~
- ~~10. or is subject to grievance, the university or faculty member subject to the action may~~
- ~~11. request an interpretation from the Standing Committee on Faculty Rights ("SCOFR") by filing a written request for an opinion within 10 calendar days of receiving the SRC's decision to dismiss the grievance. The SCOFR shall offer the non-appealing party an opportunity to respond to the appeal in writing and provide the non-appealing party a reasonable opportunity to provide such response. The SCOFRCommittee, after reviewing the written positions of each partymatter and considering any~~
- ~~4. written argument from either party, shall issue its opinion within 30thirty calendar days of the time of the filing of the request for an opinion.~~

The parties must participate in mediation (though both parties may agree to waive this requirement). See Policy 350.5 (2).

- ~~12. The Special Review Committee (SRC) shall attempt to resolve the grievance on an informal basis. The SRC may, in its discretion, require the parties to participate in mediation (NDSU Policy 350.5) and/or use other dispute resolution options available through the University Ombudsperson,~~
  - ~~5. including interviews with both parties. Should the grievance remain unresolved after mediation and/or informal dispute resolution, then the SRC shall proceed to the formal resolution process.~~
  - ~~6. Hearings for the formal resolution process shall be scheduled as expeditiously as possible and with due regard for the schedule of both parties. Grievances involving faculty/academic staff who hold academic year (AY) appointments will normally not be held during summer semester unless the faculty/academic staff member has a summer appointment. The grievant bears the burden of proving that there has been a violation of policy or established practice. The SRCOR shall report its findings and recommendations in writing within 21 days of the completion of the hearing to the grievant, the respondent, the President, the Provost and to the administrator who is the respondent's immediate supervisor.~~
- , the Committee  
shall make its recommendations in writing to the complainant, head of the academic unit or



## Attachment 2

~~program area, dean, or academic vice president, and president.~~ 5.1

13.7. The ~~Special Review Committee (SRC)~~ shall consist of the following members:

(a) ~~5.1.1~~ Three members, none of whom can be from the same Department as the grievant, shall be chosen from a pool selected by the Faculty Senate Executive Committee on an annual basis. This pool shall be comprised of tenured faculty members (two from each of the colleges in the University), for one-year terms coinciding with the term of the President of the Faculty Senate. Any faculty member may serve up to four successive terms in such a position.

(b) ~~5.1.2~~ The ~~SRC~~~~pecial Review Committee~~ Chair shall be selected by the President of the Faculty Senate.

(c) The grievant shall select one member from the pool and the person against whom the grievance is brought shall select the other member from the pool. The Committee shall judge any allegation of bias or conflict of interest. In the event that an individual member is judged by the Committee to be biased or to have a conflict of interest in a specific case, the Committee shall replace the member with a substitute member for that case.

(de) ~~5.1.3~~ Emeritus professors are eligible for memberships on the SRC.

(ed) Faculty holding administrative appointments are not eligible for membership on the SRC. "Administrative appointment" includes appointments as President, Vice President, Dean, Associate or Assistant Dean, Department Chair or Head, or Associate or Assistant Department Chair or Head of an Academic Unit. ~~5.2 In the event of a dispute as to whether an action is a matter related to tenure or promotion~~

~~or is subject to grievance, the university or faculty member subject to the action request an interpretation from the Standing Committee on Faculty Rights by filing a writ request for an opinion. The Committee, after reviewing the matter and considering written argument from either party, shall issue its opinion within thirty calendar days of time of the filing of the request for an opinion~~

~~14.6.~~ The final decision will be made by the Provost so long as the grievance is not against the Provost or any individual who reports directly to the Provost. In those situations, the President shall make the final decision. The Provost (or when applicable, the President) shall, within ~~30~~~~thirty~~ days of receipt of the recommendation, provide written notice of her/his decision to

~~15.~~ the grievant, the respondent, and to the administrator who is the respondent's immediate supervisor of his/her decision concerning the grievance after consideration of the Special Review

~~16.8.~~ Committee's recommendation. That decision shall be final.

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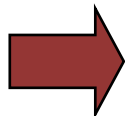
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### HISTORY:

Amended	June 26, 1986
Amended	November 18, 1990
Amended	June 1995
Amended	June 1998
Amended	November 2000
Amended	March 2002
Amended	August 2003
Amended	March 2005
Housekeeping	June 2009
Housekeeping	February 14, 2011
Amended	June 1, 2011

# Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to [ndsu.policy.manual@ndsu.edu](mailto:ndsu.policy.manual@ndsu.edu) first so that a clean policy can be presented to the committees.*

## SECTION: 600 – Student Affairs – 611.1 International Travel Policy for Students

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: NEW POLICY PROPOSED – Additional edits are made to this draft version based on recommendations from first reading of draft policy at the November 14, 2016 NDSU Faculty Senate meeting. Changes are in red to provide clarification.
2. This policy change was originated by (individual, office or committee/organization):
  - International Student and Study Abroad Services – 11/282016
  - Alicia Kauffman, Director

*This portion will be completed by Mary Asheim.*

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: 12/5/16

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

# North Dakota State University

## Policy Manual

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### SECTION 611.1

#### International Travel for Students

SOURCE: NDSU President

1. **POLICY STATEMENT**- North Dakota State University (NDSU) promotes the health, safety, and security of all students while traveling outside the United States for University-related purposes. The University, in consultation with the program leader or appropriate administrator-, reserves the right to cancel any international activity at any time due to health, safety, or other concerns. Any planned or anticipated travel to a country or region under a travel warning or travel alert as designated by the U.S. Department of State is subject to review and approval and modifications or cancellations by appropriate administrators and the Office of International Student and Study Abroad Services. Current travel conditions can be reviewed on the U.S. Department of State website at: <http://travel.state.gov>.
2. **SCOPE** - This policy applies to student travel outside of the United States for University-related purposes. Examples of such travel, which may include, but is not limited to, are to study; to perform research; to participate in internships; to perform service; to present work at conferences; to teach; to perform or participate in athletic competitions. For purposes of this policy, outside of the United States refers to locations not included in the fifty states and District of Columbia (Washington, D.C.).
  - 2.1 Student travel that falls under this policy may be sponsored by an academic department, university unit, or Congress of Student Organization (CSO) recognized student organization. This policy applies to NDSU-affiliated student travel with or without university funding.
  - 2.2 Questions about whether or not this policy applies to a particular type of student travel may be directed to the Office of International Student and Study Abroad Services.
3. **DEFINITIONS**
  - a. An **organized event** is one that is initiated, planned, or arranged by a member of the University's faculty or staff, or by the members of a recognized student organization, and is approved by an appropriate administrator.
  - b. A **sponsored event or activity** is one that the University endorses by supporting it financially, or by sending students to participate in it as official representatives of the University.
  - c. An **enrolled student** is one who has been admitted to and is attending classes at the University.
  - d. An **appropriate administrator**, for the purpose of student travel, is the President, Provost, dean, department chair, or head of an administrative unit, or their delegate.
  - e. A **program leader** is the faculty or staff responsible for managing or coordinating all aspects of group student travel in coordination with the Office of International Student and Study Abroad Services.

- f. A **student program leader** is the individual responsible for managing all aspects of the student travel, including participation in the program. The program leader serves as a liaison between the group and the University. Student program leaders must be in good standing (academic and conduct) with NDSU.

4. **TRAVEL AUTHORIZATION** - International travel governed by this policy must be authorized in advance. In order for students to obtain travel authorization, they must complete the appropriate process by the corresponding deadlines that occur each semester. If the travel experience does not have a set application process, the required process should be completed according to the general study abroad deadlines of March 1 and October 1, respectively. Completion of the required process is based on the type of program outlined below:

- 4.1 **(For Academic Credit)** – Acceptance into an officially recognized exchange, direct, affiliate or faculty-led program or by following the approval process to participate on a non-NDSU program. In these instances, please complete the steps as outlined through the application process for study abroad options through the Office of International Student and Study Abroad Services.

**(Not for Academic Credit)** – Submit all required information through the International Travel Registry as outlined through the Office of International Student and Study Abroad Services to provide detailed information about international travel dates and destinations and purchase university approved health insurance that cover the dates of travel.

Participant Category	Required Process
Individual Student (for academic credit)	Study Abroad Application
Individual Student (not for academic credit)	International Travel Registry
Group Travel with Program Leader (for academic credit)	Study Abroad Application
Group Travel with Program Leader (not for academic credit)	International Travel Registry
Student Organization Group Travel with Student Program Leader	Student Organization Travel Registry

5. **CONDITIONS OF PARTICIPATION, RELEASE FORMS AND EMERGENCY SITUATIONS** – Students must read and electronically sign the Conditions of Participation agreement. This agreement outlines requirements, expectations, and responsibilities when participating in any NDSU study abroad program. Students may be required to sign other release forms as necessary; students are required to complete a health questionnaire after acceptance into a study abroad program.

- 5.1 In the event of an emergency, students are required to follow the instructions provided by ISSAS including any applicable health insurance provider instructions relevant to the program. Students agree to update ISSAS with current and correct contact information, including email address, physical address and phone number.

6. **STUDENT CONDUCT AND REMOVAL FROM PROGRAM** - While abroad, students are bound by policies in the *NDSU Rights and Responsibilities: A Code of Student Conduct*, by the rules of the foreign institutions, and by the laws of the geographical location of the program. NDSU may take disciplinary action against students who violate the Code of Student Conduct while participating in a study abroad program.
- 6.1 The program leader or institutional representative is granted reasonable discretion in determining what constitutes a violation and determining appropriate handling of such matters as they arise. Program leaders have the option of initiating reasonable disciplinary actions for misconduct.
- 6.2 If the program leader or institutional representative determines, in consultation with the Assistant Vice President and Dean of Student Life or designee, that the student's continued association with the program poses a significant risk of harm to the student or puts the health or safety of other program participants, the academic integrity of the program, or the relationship with the foreign institution or other partners or country at risk, the student may be immediately removed from the program. All expenses incurred due to such removal, including any costs associated with program enrollment, are the responsibility of the student.
- 6.3 In the event of removal from the program, the student must vacate the facilities provided by the program and will be withdrawn from all course work associated with the program. In the event of removal, the student remains responsible for all costs associated with program enrollment, without recourse to a refund.
7. **NON-COMPLIANCE** - Students who fail to comply with this policy will be subject to disciplinary action under the processes outlined in the Code of Student Conduct. Faculty and staff who are negligent fail to comply in complying with this policy may have their right to participate in study abroad programs involving students revoked in addition to any other sanctions that may be imposed by NDSU. Appeals of sanctions follow normal NDSU policy.

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HISTORY:

New

May 2016

**Senate Agenda Meeting  
3:30 pm on February 1, 2017  
Prairie Room**

- I. Call to Order
- II. Attendance
- III. Equity and Diversity Faculty Senate Committee Resolution
- IV. SBHE Policy Proposal to change 605.3
- V. Impact of State Budget Cuts on NDSU
- VI. Adjourn

**NDSU Faculty Senate**  
February 27, 2017 at 3pm  
Prairie Rose Room, Memorial Union  
Agenda

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- I. Call to order
- II. Attendance
- III. Approval of agenda
- IV. Approval of previous meeting minutes from January 23, 2017 & February 1, 2017
- V. Consent agenda
  - a. University Curriculum Committee report (**attachment 1**)
  - b. Faculty Senate Bylaw Change for Equity & Diversity committee (second vote; **attachment 2**)
- VI. Announcements
  - a. Dean Bresciani, President
  - b. Beth Ingram, Provost
  - c. Katie Gordon, Faculty Senate President
  - d. Stuart Haring, Faculty Senate President-Elect
  - e. Jim Osland, Staff Senate President
  - f. Amelia Pfarrer and Brendan Curran, Student Government Representatives
- VII. Senate Committee Reports – None
- VIII. Unfinished Business
  - a. Discussion of whether there is interest in forming a Faculty Senate Legislative Affairs committee – Dennis Cooley
  - b. Bison Guides (information for faculty) – Anne Johnson
  - c. 353 – Tom DeSutter & Dan Friesner, Faculty Affairs Committee (**attachment 3**)
  - d. 611.1 – Alicia Kaufman, Director, International Student and Study Abroad Services (**attachment 4**)
- IX. New Business
  - a. 333 – Charlene Wolf-Hall, Vice Provost, on behalf of the Academic Affairs Committee (**attachment 5**)
  - b. 611 – Charlene Wolf-Hall, Vice Provost, on behalf of the Faculty Senate Athletics Committee (changes are based on approval of policy 333; **attachment 6**)
- X. Adjourn

**NDSU Faculty Senate Meeting**  
March 20, 2017 at 3pm  
Prairie Rose Room, Memorial Union  
Agenda

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- I. Call to Order
- II. Attendance
- III. Approval of agenda
- IV. Approval of previous meeting minutes from February 27, 2017
- V. Consent agenda
  - a. University Curriculum Committee Report (**attachment 1**)
  - b. University Athletics Committee Bylaw Change (**attachment 2**)
  - c. 112 (**attachment 3**)
  - d. 304 (**attachment 4**)
- VI. Announcements
  - a. Dean Bresciani, President
  - b. Beth Ingram, Provost
  - c. Katie Gordon, Faculty Senate President
  - d. Stuart Haring, Faculty Senate President-Elect
  - e. Jim Osland, Staff Senate President
  - f. Amelia Pfarrer and Brendan Curran, Student Government Representatives
- VII. Senate Committee Reports - None
- VIII. Unfinished Business
  - a. Discussion of Forming a Faculty Senate Legislative Affairs Committee – Dennis Cooley (**attachment 5**)
  - b. 611.1 (**attachment 6**)
- IX. New Business
  - a. Information on Student Planner (PeopleSoft Add-On for Student Registration) – Rhonda Kitch & Andrea Weber, Office of Registration and Records
  - b. Faculty feedback on e-mail migration
  - c. 134.2 (**attachment 7**)
  - d. 161 (**attachment 8**)
  - e. 309 (**attachment 9**)
  - f. 823 (**attachment 10**)
- X. Adjourn



**University Curriculum Committee Report  
For Faculty Senate Meeting on March 20, 2017**

<b>Policy Proposal</b>
(Prefix) 189 – Skills for Academic Success – This course will no longer need to be required by all programs, only those that wish to require it. UNIV 189 will be required for undeclared students in the exploratory areas and optional for declared students. Other programs that want to require 189 will need to use their own prefix.

<b>New Prefix</b>
ENTR – Entrepreneurship – College of Business

<b>College Inactivation</b>
College of University Studies

<b>General Education Recommendations</b>
ENGL 150 – approval for Humanities and Fine Arts and Cultural Diversity categories
PH 101 – approval for Wellness category

<b>Program Changes</b>
B.S. and B.A. in Criminal Justice – adjusting selective admissions standards, reducing credits from outside of the discipline
Minor in Criminal Justice – reducing credits from outside the discipline, adjusting selective admissions standards
Minor in Emergency Management – reorganization of sub-categories within the minor
Master of Arts, English – removing the two tracks and merging them into one, trackless option

<b>New Courses</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Effective Term</b>
ANSC	725	Advanced Equine Nutrition	3	Fall 2017
FIN	480/680	Applied Portfolio Management	3	Fall 2017
HIST/WGS	426	Women in American History	3	Fall 2017
MATH	756	Harmonic Analysis	3	Fall 2017
MIS	415	Managing Information Technology Security	3	Fall 2017
PHRM	546	Advanced Topics in Neuropsychiatry: Major Neurocognitive Disorders	2	Fall 2017
PHYS	417/617	Optical Signal Transmission (to be cross-listed with existing ECE 417/617)	3	Fall 2017
PHYS	488	Senior Project I	1	Fall 2017

<b>Course Changes</b>								
<b>From:</b>				<b>To:</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Dept</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Effective Term</b>
ANSC	855	Molecular Biological Techniques in Animal Sciences	3	ANSC	758	Molecular Biological Techniques in Animal Sciences	3	Fall 2017
CFS	474/674	Sensory Science of Foods	2	CFS	474/674	Sensory Science of Foods	3	Fall 2017
NURS	420	Nursing Research	3	NURS	420	Evidence-Based Practice and Research in Nursing	3	Summer 2017
PSCI	470	Pharmaceutics III: Pharmacokinetics	3	PSCI	470	Pharmacokinetics	3	Fall 2017
PSYC	322	Thinking & Making Decisions	3	PSYC	322	Judgment & Decision-Making	3	Summer 2017

<b>Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Prerequisite/Co-requisite Change</b>	<b>Effective Term</b>
ANSC	758	Molecular Biological Techniques in Animal Sciences	Prereq: none	Fall 2017
CFS	464	Food Analysis	Prereq: CFS 210	Spring 2018
CFS	474/674	Sensory Science of Foods	Recommended Prereq: STAT 330	Fall 2017
CSCI	459	Foundations of Computer Networks	Prereq: CSCI 374 or ECE 374	Summer 2017
NURS	352	Family Nursing I	Prereq: NURS 300 or PHRM 300, NURS 341, NURS 342	Fall 2017
NURS	362	Family Nursing II	Prereq: NURS 300 or PHRM 300, NURS 341, NURS 342	Fall 2017
NURS	402	Mental Health Nursing	Prereq: NURS 300 or PHRM 300, NURS 341, NURS 342	Fall 2017
NURS	403	Adult Health Nursing II	Prereq: NURS 300 or PHRM 300, NURS 341, NURS 342	Fall 2017
NURS	420	Evidence-Based Practice and Research in Nursing	Desc: This course will introduce the research process with the emphasis on developing skills as a consumer of research. Students will gain knowledge in the areas of research methods, critical appraisal of research, and the concepts of evidence-based practice. Prereq: NURS 289 and NURS 356	Summer 2017
PHRM	534	Rheumatology/Endocrinology/Gastrointestinal	Prereq: PSCI 413 with a grade of C or higher	Spring 2018
PSCI	470	Pharmacokinetics	Prereq: PSCI 411 with a grade of C or higher	Fall 2017
RNG	213	Rangeland Sampling Techniques	Prereq: RNG 136	Fall 2017
RNG	452/652	Geographic Information Systems in Range Survey	Prereq: RNG 136	Fall 2017
RNG/NRM	453/653	Rangeland Resources Watershed Management	Prereq: RNG 136 or NRM 225	Fall 2017
RNG	456/656	Range Habitat Management	Prereq: RNG 136	Fall 2017

**Attachment 1**

RNG	458/658	Grazing Ecology	Prereq: RNG 136	Fall 2017
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Course Inactivations				
Subject	No.	Title	Crs.	Effective Term
CSCI	316	System Testing and Maintenance	3	Summer 2017
HNES	355	International Health	3	Summer 2017

### Reducing the number of credits for a Bachelor's Degree to 120

Dissolve the College of University Studies; re-organize academic programs

B.S. and B.A. in Health Communication

Minor in Health Communication

Subject	No.	Title	Crs.	Effective Term
BUSN	791	Making Persuasive Business Presentations	1	Summer 2017

From:				To:				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
CSCI	116	Business Use of Computers	4	MIS	116	Business Use of Computers	3	Fall 2017
ENGL	110	College Composition I	3	ENGL	110	College Composition I	4	Fall 2017
ENGL	112	ESL College Composition I	3	ENGL	112	ESL College Composition I	4	Fall 2017

Subject	No.	Title	Prerequisite/Co-requisite Change	Effective Term
HNES	460	Foodservice Systems Management II	Prereq: HNES 361	Fall 2017

Subject	No.	Title	Crs.	Effective Term
ENGL	100	Writing Lab	1	Fall 2017

General education course applications will not be accepted until the committee has established a procedure for these recommendations.

CONSTITUTION AND BY-LAWS  
NORTH DAKOTA STATE UNIVERSITY ATHLETICS COMMITTEE

Article I.

Name

- Section 1. This organization shall be known as the North Dakota State University Athletics Committee.

Article II

Purpose

- Section 1. The purpose of the North Dakota State University Athletics Committee is to be informed in matters affecting intercollegiate athletics at North Dakota State University; to effectively communicate with the Director of Intercollegiate Athletics, ~~the Director of Women's Intercollegiate Athletics~~, the University Senate and the President in areas of concern regarding athletics.

Article III

Duties and Responsibilities

- Section 1. The North Dakota State University Athletics Committee shall serve as an athletics advisory board, which has responsibility for providing advice and counsel on athletics policies and principles governing:

Institutional Control and Responsibility  
Student-Athlete Well Being  
Gender Equity  
Sound Academic Standards  
Sportsmanship and Ethical Conduct  
Nondiscrimination  
Rules Compliance  
Amateurism  
Competitive Equity  
Recruiting  
Financial Aid  
Eligibility  
Playing and Practice Seasons  
Postseason Competition  
Economy of Athletics Program Operation

- Section 2. One member of the North Dakota State University Athletics Committee shall serve as a representative on the University Student-Athlete Appeals Committee.
- Section 3. Assist in the formation of selected policy recommendations to be forwarded to the University Senate.
- Section 4. Review issues and legislation for conference and national meetings and recommend institutional positions.

Section 5. Review the preliminary budget of the athletic programs.

Section 6. Serve as liaison to various constituents in support of athletics.

#### Article IV Membership

Section 1. North Dakota State University is a member of the National Collegiate Athletic Association; the Missouri Valley Football Conference; the Summit League; and the ~~Western Wrestling~~ Big XII Conference. The responsibility for compliance with the rules and regulations of these organizations is vested with the President of the University.

Section 2. Membership shall consist of one faculty member from each representation unit, two students, the Student Body Vice-President, the President of the Student-Athletes Advisory Council, two representatives of the Staff Senate, the Director of Intercollegiate Athletics, Senior Women's Administrator, and the Faculty Athletic Representative.

Section 3. The recording secretary shall serve as an ex-officio member of the North Dakota State University Athletics Committee.

#### Article V Amendments

Section 1. Amendment or revision of the Constitution may be approved by a two-thirds affirmative vote of the North Dakota State University Athletics Committee after a 30-day prior notice of the proposed change.

#### Bylaw I Selection of Members and Terms of Office

Section 1. Faculty members from each college ~~or school~~ except ~~University Studies and~~ the Graduate School shall be elected or appointed by their unit. The maximum length of term shall be four years.

Section 2. Representatives from Student Government, the Student-Athlete Advisory Council and Staff Senate shall be elected or appointed annually by their unit.

Section 3. The Director of Intercollegiate Athletics shall be a permanent member of the Committee.

Section 4. The ~~Director of Women's Intercollegiate Athletics~~ Senior Woman Administrator shall be a permanent member of the Committee.

Section 5. The-Faculty Athletics Representative shall be appointed by the President of the University and shall serve at the pleasure of the President.

~~Section 6. The Vice President of Equity, Diversity and Global Outreach shall be a permanent member of the Committee.~~

Bylaw II  
Officers

- Section 1. The officers of the North Dakota State University Athletics Committee shall include a chair, vice chair and a secretary.
- Section 2. Officers shall be nominated and elected annually.

Bylaw III  
Duties of the Officers

- Section 1. The duties of the chair shall include presiding over meetings and representing the North Dakota State University Athletics Committee at designated functions.
- Section 2. It shall be the duty of the vice chair to serve in the absence of the chair.

Bylaw IV  
Meetings

- Section 1. Meetings of the North Dakota State University Athletics Committee shall be held at the discretion of the chair, but at least two meetings per year shall be held.
- Section 2. The North Dakota State University Athletics Committee shall act upon matters that require immediate action between scheduled University Athletics Committee meetings.
- Section 3. The duties of the recording secretary shall include the recording and distribution of the minutes.

Bylaw V  
Sub-Committees

- Section 1. Sub-committees may be appointed by the chair as deemed necessary.

Bylaw VI  
Order of Business

- Section 1. At least seven members with voting rights, at least five of whom are faculty representatives, are necessary to constitute a quorum.
- Section 2. The agenda for the meetings shall be prepared by the chair with items presented by the Committee. The agenda shall be sent to each committee member prior to the meeting.

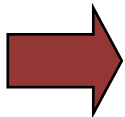
Bylaw VII  
Amendments

- Section 1. An amendment to the Bylaws may be approved by a two-thirds affirmative vote by the North Dakota State University Athletics Committee.

Revised: April 2016

# Policy Change Cover Sheet

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## SECTION: Policy Number and Name 112 Job Applicant/Employee Criminal History Background Checks

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 xx ☐ No
  - Describe change: State Board of Higher Education has updated SBHE 602.3 NDUS Procedures. NDSU policy needs to be updated to match the SBHE.
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted: Human Resources and Payroll/Colette Erickson 02/01/2017
  - Email address of the person who should be contacted with revisions [Colette.erickson@nds.edu](mailto:Colette.erickson@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 2/27/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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# North Dakota State University

## Policy Manual

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### SECTION 112

#### ~~602.3~~ Job Applicant/Employee Criminal History Background Checks

SOURCE: NDSU President  
SBHE Policy Manual, Section 602.3  
NDUS Procedure 602.3

#### 1. Definitions:

- a. CHRC: Criminal History Records Check
- b. SOR: Sex Offender Registry
- c. FBI: Federal Bureau of Investigation
- d. BCI: Bureau of Criminal Investigation
- e. Benefited positions: as defined in SBHE Policy 703.2
- f. New hires: includes

1. Individuals never before employed by the institution.

~~1-2.~~ Re-hires, if the individual's break in service exceeds 12 months or unless the new position or newly-assigned duties indicate that different checks or verifications are required. transfers, and promotions within the same institution, except when a CHRC and SOR check has been completed at the employing institution within the last 10 months. Promotions do not include faculty promotions when moving from one faculty rank to another faculty rank (e.g. instructor to assistant professor, etc.); and,

3. Transfer from another NDUS institution.

4. Transfers and promotions within the same institution if an individual has never completed a CHRC and SOR for the institution.

2. A nationwide FBI CHRC is authorized for all NDSU positions.

3. A nationwide FBI CHRC is required before beginning employment in the following positions:

- a. Police officer;
- b. Security guard; and
- c. University Police Dispatchers/Call Center Operators.

4. CHRC and SOR checks are required for new hires for the following positions:

- a. All benefited positions; and
- b. Non-benefited positions, including volunteers who:
  - 1. have access to confidential or proprietary information;
  - 2. have master keys;
  - 3. have access to cash, credit, debit or other financial transactions;
  - 4. are residence hall and/or apartment managers, directors or assistants;
  - 5. are child care employees and other employees who have unsupervised contact with minor children;
  - 6. are responsible for, or with access to, controlled substances and other drugs, explosives or potentially dangerous chemicals and other substances;
  - 7. are instructional faculty and staff, including graduate teaching assistants; and,



8. are counselors and coaches.

5. The CHRC and SOR checks are required every 24 months for volunteers and temporary hires for camps and other activities that involve minors. ~~may be a North Dakota BCI check, a nationwide FBI check or check of another state or multiple jurisdictions.~~

6. The CHRC shall, at a minimum include:

- a. All names/aliases for the past seven (7) years
- b. All addresses for the past seven (7) years
- c. Federal criminal background check using primary source
- d. County criminal background check using primary source
- e. Nationwide sex offender registry check

The SOR list shall be the Nationwide Sex Offender Registry

~~6.7.~~ The CHRC and SOR checks must be completed before beginning employment. If there is an urgent documented need to start employment within seven working days of selection and prior to the completion of the check, the employee may begin work as scheduled, under proper supervision; however, continued employment is subject to successful completion of the checks.

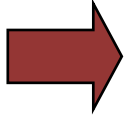
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HISTORY:

New	July 1, 2002
Amended	February 2006
Amended	October 2007
Amended	December 2007
Amended	June 23, 2009
Housekeeping	November 15, 2010
Housekeeping	December 28, 2010
Amended	February 7, 2012
Amended	April 28, 2016

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**SECTION: ' Number and Name:** 304 Academic Staff and Executive/ Administrative Positions  
– Procedures for Filling

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 x ☒ No
- Describe change: Due to changes in process in the HRMS system as well as changes to web links. Also change in #2 with the additional of a year limit

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

- Office/Department/Name and the date submitted – Office of the Provost
- Email address of the person who should be contacted with revisions –angela.bachman@nds.edu

*This portion will be completed by Mary Asheim.*

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: 2/27/17

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# North Dakota State University

## Policy Manual

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### SECTION 304

#### ACADEMIC STAFF AND EXECUTIVE/ADMINISTRATIVE POSITIONS - PROCEDURES FOR FILLING

SOURCE: NDSU President

All academic staff (instructors; assistant, associate, or full professors; and lecturers) and other positions within the 2000 (academic) job family and executive/administrative positions (job family 0000) that qualify for fringe benefits must be filled according to the following procedures. Additionally, for equal opportunity/affirmative action purposes, this search, recruiting, and hiring process must be followed assuring equal opportunity and non-discrimination based on any status listed in [NDSU Policy 100](#). See also, [Section 103 for Equal Opportunity/Affirmative Action Policy](#) on the Announcement of Position Openings which includes the process for spouse or partner hiring and the allowance of such a hiring without a search if appropriate and [Section 103.1](#) on recruitment areas and methods.

1. The position must be posted online at <https://jobs.ndsu.edu/>. If changes occur in the recruitment plan, the department shall notify the Office of the Provost.

The process to create and obtain approval for the position announcement as well as the posting of the announcement online and recruiting requirements are located at:

[http://www.ndsu.edu/fileadmin/diversity/Procedures\\_for\\_Filling\\_Non-Broadbanded\\_Positions\\_in\\_the\\_0000\\_and\\_2000\\_Job\\_Families.pdf](http://www.ndsu.edu/fileadmin/diversity/Procedures_for_Filling_Non-Broadbanded_Positions_in_the_0000_and_2000_Job_Families.pdf)

2. Prior to posting, the search committee chair must have received search ~~chair~~ training [within the last three years](#), ~~available-provided~~ through the Office of the Provost. ~~All search committee members are strongly encouraged to complete search training. , other members of the committee are also strongly recommended to attend the training as well.~~
3. All applicants must apply via the online application system. Hard copy application materials will not be accepted.
4. For ~~those positions that do NOT include teaching responsibilities or positions~~ that are not a President, Vice President, or Provost ~~position~~, the ND Veteran's Preference Law applies. This screening process must be followed in order to comply with state law. The following information regarding the recruitment and hiring process is available online:
  - [NDSU Procedures for Recruitment/Selection of Nonbroadbanded Positions Subject to the ND Veteran's Preference Law](#)
  - ["Legal Watch" on the ND Veteran's Preference Law](#).
5. Additional information regarding recruitment/hiring resources for getting started, recruiting for a diverse applicant pool, screening/interviewing, interviewing guidelines for ADA compliance, and preparing an officer are available online at [http://www.ndsu.edu/diversity/equity/recruitment-and-hiring-provost/academic\\_resources/faculty\\_recruitment/](http://www.ndsu.edu/diversity/equity/recruitment-and-hiring-provost/academic_resources/faculty_recruitment/). Forms such as the Request to Offer, NDSU Hiring Form 100/102 and NDSU Change Form 101 are located at: <http://www.ndsu.edu/forms>.
6. The Request to Offer ~~form~~ must be completed in its entirety, and routed for required [electronic](#) signatures with the following attachments:

- Interview Report Forms (An interview report form must be completed for each interviewee.);
- Screening Sheet;
- A list of the questions used in the formal interview;
- A list of questions asked of references;
- The names of references contacted; and
- ~~For faculty and lecturer appointments, a~~ A draft of the proposed letter of offer based on the format proved by the Office of the Provost ~~and Vice President for Academic Affairs.~~

7. A criminal background check ~~authorization form~~ must be completed by the candidate for new benefited hires ~~through~~. ~~The completed form must be given to~~ the Office of the Provost so that a background check can be completed. No applicant may have a hire date prior to the background check being completed.
8. Upon approval of the request to offer and a completed background check, the candidate may be offered the position.
9. Once the offer has been accepted, the remaining applicants will be promptly notified of the action. The search file will be completed by the search committee, forwarded to and maintained at the Office of the Provost.

**NOTE: No Hiring form 100/102: Job Data or Change Form: 101 will be processed until search files have been completed and submitted to the appropriate location for retention of three years.**

~~10. The Hiring Form 100/102 must have the following items attached when circulating forms for signatures:~~

- ~~• A fully signed copy of the Request to Offer form~~
- ~~• For faculty, lecturers and graduate teaching/research fellows, a copy of the letter of officer or appointment agreement.~~

~~11.~~ 10. A current employee being hired for a different position under a search requires the Change Form: 101 instead of the Hiring Form: 100/102. This form must also be routed for signatures and have the same attachments as required under section 6.

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#### HISTORY:

New	July 1990
Amended	April 1992
Amended	May 1996
Amended	July 1997
Amended	November 1999
Amended	August 2002
Amended	December 2005
Housekeeping	May 2010
Amended	December 27, 2010
Housekeeping	January 10, 2011
Housekeeping	February 16, 2011
Housekeeping	October 26, 2011
Housekeeping	November 15, 2013
Housekeeping	October 5, 2015

## **NDSU Faculty Senate ad hoc Legislative Affairs Committee**

### **Section 1**

The Faculty Senate or Faculty Senate Executive Committee shall fill the committee with volunteers whose primary assignment, unless otherwise noted, are faculty as defined by the Faculty Senate's Constitution.

Committee members shall serve until replaced by voluntary separation or removal by their representation unit, the Faculty Senate Executive Committee, or the Faculty Senate.

### **Section 2**

Committee membership shall consist of:

- a. A faculty representative from each academic college: College of Agriculture, Food Systems, and Natural Resources; College of Arts, Humanities and Social Sciences; College of Business; College of Engineering; College of Graduate and Interdisciplinary Studies; College of Health Professions; College of Human Development and Education; and College of Science and Mathematics
- b. A Council of College Faculties' NDSU representative
- c. The NDSU President's Chief of Staff or designee, ex-officio.
- d. A student representative from Student Government.

### **Section 3**

Unless otherwise noted, members are voting members. The NDSU President's Chief of Staff or designee is a non-voting member.

### **Section 4**

The Committee's chair shall be selected by the members of the Committee.

### **Section 5**

The purposes of the committee are:

To collect, coordinate, and disseminate information for and to the NDSU Faculty Senate that is pertinent to NDSU affairs addressed in the North Dakota State Legislature.

To interact with members of the North Dakota State Legislature in ways permitted by state law and policy to build information streams.

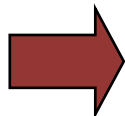
### **Section 6**

- a. The Legislative Affairs Committee ("the Committee") shall, acting of its own volition or upon the direction of the Senate or Senate Executive Committee, conduct studies, polls, or inquiries.
  - i. Topics include but are not limited to proposed or submitted state, or local legislation, relevant federal legislation and legislative activities being conducted at other NDUS institutions.
- b. The Committee may bring any resulting recommendations or resolutions to the Faculty Senate for consideration.
- c. The Committee may communicate to the appropriate legislative authorities its view, clearly identified as the Committee's view, with formal consent of the Executive Committee. The Committee shall then provide the text of its communication to the Faculty Senate for ratification no later than the next regularly scheduled meeting.
- d. The Committee may meet with the appropriate legislative authorities to create legally permissible information streams.
- e. The Committee should hold meetings, which can include meetings with legislative authorities, 2-3 times per semester when the North Dakota Legislature is not in session, and increase meeting regularity the semester before a legislative session and the semester of a legislative session.
  - i. The chair of the Committee shall provide a report sketching out the Committee's activities to the Faculty Senate President at the end of each semester.

(Stolen from <https://und.edu/university-senate/committees/legislative-affairs-committee.cfm>)

# 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.



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## SECTION: 600 – Student Affairs – 611.1 International Travel Policy for Students

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: NEW POLICY PROPOSED – Additional edits are made to this draft version based on recommendations from first reading of draft policy at the November 14, 2016 NDSU Faculty Senate meeting. Changes are in red to provide clarification.
2. This policy change was originated by (individual, office or committee/organization):
  - International Student and Study Abroad Services – 11/282016
  - Alicia Kauffman, Director

*This portion will be completed by Mary Asheim.*

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: 12/5/16

Faculty Senate:

Staff Senate: 12/12/16

Student Government: 12/12/16

President's Cabinet: 12/12/16

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# North Dakota State University

## Policy Manual

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### SECTION 611.1

#### International Travel for Students

SOURCE: NDSU President

1. **POLICY STATEMENT**- North Dakota State University (NDSU) promotes the health, safety, and security of all students while traveling outside the United States for University-related purposes. The University, in consultation with the program leader or appropriate administrator-, reserves the right to cancel any international activity at any time due to health, safety, or other concerns. Any planned or anticipated travel to a country or region under a travel warning or travel alert as designated by the U.S. Department of State is subject to review and approval and modifications or cancellations by appropriate administrators and the Office of International Student and Study Abroad Services. Current travel conditions can be reviewed on the U.S. Department of State website at: <http://travel.state.gov>.
2. **SCOPE** - This policy applies to student travel outside of the United States for University-related purposes. Examples of such travel, which may include, but is not limited to, are to study; to perform research; to participate in internships; to perform service; to present work at conferences; to teach; to perform or participate in athletic competitions. For purposes of this policy, outside of the United States refers to locations not included in the fifty states and District of Columbia (Washington, D.C.).
  - 2.1 Student travel that falls under this policy may be sponsored by an academic department, university unit, or Congress of Student Organization (CSO) recognized student organization. This policy applies to NDSU-affiliated student travel with or without university funding.
  - 2.2 Questions about whether or not this policy applies to a particular type of student travel may be directed to the Office of International Student and Study Abroad Services.
3. **DEFINITIONS**
  - a. An **organized event** is one that is initiated, planned, or arranged by a member of the University's faculty or staff, or by the members of a recognized student organization, and is approved by an appropriate administrator.
  - b. A **sponsored event or activity** is one that the University endorses by supporting it financially, or by sending students to participate in it as official representatives of the University.
  - c. An **enrolled student** is one who has been admitted to and is attending classes at the University.
  - d. An **appropriate administrator**, for the purpose of student travel, is the President, Provost, dean, department chair, or head of an administrative unit, or their delegate.
  - e. A **program leader** is the faculty or staff responsible for managing or coordinating all aspects of group student travel in coordination with the Office of International Student and Study Abroad Services.



- f. A **student program leader** is the individual responsible for managing all aspects of the student travel, including participation in the program. The program leader serves as a liaison between the group and the University. Student program leaders must be in good standing (academic and conduct) with NDSU.

4. **TRAVEL AUTHORIZATION** - International travel governed by this policy must be authorized in advance. In order for students to obtain travel authorization, they must complete the appropriate process by the corresponding deadlines that occur each semester. If the travel experience does not have a set application process, the required process should be completed according to the general study abroad deadlines of March 1 and October 1, respectively. Completion of the required process is based on the type of program outlined below:

- 4.1 **(For Academic Credit)** – Acceptance into an officially recognized exchange, direct, affiliate or faculty-led program or by following the approval process to participate on a non-NDSU program. In these instances, please complete the steps as outlined through the application process for study abroad options through the Office of International Student and Study Abroad Services.

**(Not for Academic Credit)** – Submit all required information through the International Travel Registry as outlined through the Office of International Student and Study Abroad Services to provide detailed information about international travel dates and destinations and purchase university approved health insurance that cover the dates of travel.

Participant Category	Required Process
Individual Student (for academic credit)	Study Abroad Application
Individual Student (not for academic credit)	International Travel Registry
Group Travel with Program Leader (for academic credit)	Study Abroad Application
Group Travel with Program Leader (not for academic credit)	International Travel Registry
Student Organization Group Travel with Student Program Leader	Student Organization Travel Registry

5. **CONDITIONS OF PARTICIPATION, RELEASE FORMS AND EMERGENCY SITUATIONS** – Students must read and electronically sign the Conditions of Participation agreement. This agreement outlines requirements, expectations, and responsibilities when participating in any NDSU study abroad program. Students may be required to sign other release forms as necessary; students are required to complete a health questionnaire after acceptance into a study abroad program.

- 5.1 In the event of an emergency, students are required to follow the instructions provided by ISSAS including any applicable health insurance provider instructions relevant to the program. Students agree to update ISSAS with current and correct contact information, including email address, physical address and phone number.

6. **STUDENT CONDUCT AND REMOVAL FROM PROGRAM** - While abroad, students are bound by policies in the *NDSU Rights and Responsibilities: A Code of Student Conduct*, by the rules of the foreign institutions, and by the laws of the geographical location of the program. NDSU may take disciplinary action against students who violate the Code of Student Conduct while participating in a study abroad program.
- 6.1 The program leader or institutional representative is granted reasonable discretion in determining what constitutes a violation and determining appropriate handling of such matters as they arise. Program leaders have the option of initiating reasonable disciplinary actions for misconduct.
- 6.2 If the program leader or institutional representative determines, in consultation with the Assistant Vice President and Dean of Student Life or designee, that the student's continued association with the program poses a significant risk of harm to the student or puts the health or safety of other program participants, the academic integrity of the program, or the relationship with the foreign institution or other partners or country at risk, the student may be immediately removed from the program. All expenses incurred due to such removal, including any costs associated with program enrollment, are the responsibility of the student.
- 6.3 In the event of removal from the program, the student must vacate the facilities provided by the program and will be withdrawn from all course work associated with the program. In the event of removal, the student remains responsible for all costs associated with program enrollment, without recourse to a refund.
7. **NON-COMPLIANCE** - Students who fail to comply with this policy will be subject to disciplinary action under the processes outlined in the Code of Student Conduct. Faculty and staff who are negligent fail to comply in complying with this policy may have their right to participate in study abroad programs involving students revoked in addition to any other sanctions that may be imposed by NDSU. Appeals of sanctions follow normal NDSU policy.

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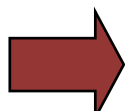
HISTORY:

New

May 2016

# Policy Change Cover Sheet

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## SECTION:

## 134.2 NDSU Lactation 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? X Yes
  - Describe change: This is a new policy, related to all employees at NDSU, establishing family-friendly workplace guidelines in support of new mothers who wish to express breast milk during work hours. The policy is based on federal requirements; the Patient Protection and Affordable Care Act (PPACA) Section 4207 amended the Fair Labor Standards Act, Section 7.
2. This policy change was originated by (individual, office or committee/organization):
  - Human Resources/Payroll and Equity Office 2/21/2017
  - [Kara.Gravley-Stack@nds.edu](mailto:Kara.Gravley-Stack@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 2/27/17

Faculty Senate: 3/7/17

Staff Senate: 3/1/17

Student Government: 3/7/17

President's Cabinet: 3/7/17

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# North Dakota State University

## Policy Manual

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### SECTION 134.2

#### LACTATION POLICY



SOURCE: NDSU President

1. As part of our family-friendly policies and benefits, NDSU supports breastfeeding employees by accommodating the employee who wishes to express breast milk during her workday when separated from her child.
2. NDSU shall provide:
  - 2.1 Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for expression of breast milk for one year after child's birth;
    - 2.1.1 After one year of child's birth, continued breaks and work patterns to accommodate expression of breast milk may be reviewed and agreed upon with employee's supervisor;
  - 2.2 A convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breastfeeding or expressing breast milk;
  - 2.3 A convenient, clean, and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in the private location.
3. NDSU shall not be required to compensate an employee receiving reasonable break time for any work spent for such purpose.

NDSU has the following lactation rooms and support resources available for nursing employees:  
<https://www.ndsu.edu/equity/pregnancy/>

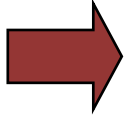
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#### HISTORY:

New \_\_\_\_\_, 2017

# Policy Change Cover Sheet

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## SECTION:

## Policy 161 Fitness for Duty

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    xxxx ☐ No
  - Describe change: Clarification of the process and changing it so it is consistent with other policies/federal laws
  - Family Medical Leave (FMLA) and American with Disabilities (ADA).
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted Colette Erickson, 01/26/2017
  - Email address of the person who should be contacted with revisions: [Colette.erickson@ndsu.edu](mailto:Colette.erickson@ndsu.edu)

*This portion will be completed by Mary Asheim.*

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: 2/27/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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# North Dakota State University

## Policy Manual

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### SECTION 161 FITNESS FOR DUTY

SOURCE: NDSU President

#### 1. Overview

NDSU is committed to providing a safe working environment and to protect the health and safety of students, faculty and staff, visitors and University property. This policy provides a mechanism for identifying and intervening when individuals who could pose a threat to the safety of others and property. Required drug and alcohol screening of employees in designated positions is addressed in NDSU policy 161.1. Post-offer/pre-hire screening of job candidates for positions related to dining services must comply with Fargo Public Health Codes.

#### 2. Definitions

- a. Fitness for duty: physical and mental health status that facilitates the performance of essential job duties in an effective manner and protects the health and safety of oneself, others and property.
- b. Reliable report: self-disclosure or third-party opinion about an employee's possible lack of fitness for duty which is assessed as reasonable by the manager/supervisor considering such factors as the relationship of the reporter to the employee, the seriousness of the employee's condition, the possible motivation of the reporter and how the reporter learned the information.
- c. Working hours: beginning with an employee's starting time and ending with the employee's quitting time as well as any time an employee is on-call. All work activities are included whether they occur on or outside University properties.
- d. Medical evaluation: An examination performed by a university-designated health professional, including but not limited to a health history, physical and/or psychological examination and any medically indicated diagnostic studies. The cost is paid by the employee's department.
- e. Medical certification: a document from a medically appropriate, licensed provider attesting to an employee's fitness for duty following an extended medical absence. Allowable costs to obtain the certification are paid by Workers Compensation for work-related absences, and by the employee and the employee's health insurance for absences which are not work-related.

#### 3. Employee responsibilities

- a. Reporting to work fit for duty.
- b. Notifying the manager/supervisor when not fit for duty.

- c. Notifying the manager/supervisor when observing a co-worker who may not be fit for duty (in cases where the possibly impaired individual is the employee's manager, the employee should make the notification to the next higher level manager or the Director of Human Resources/Payroll).
- d. Cooperating with a manager/supervisor's directive and/or referral for a medical evaluation.

#### 4. Manager/supervisor responsibilities

- a. Observing the attendance, performance and behavior of employees they supervise.
- b. Interviewing an employee who appears to the manager/supervisor (or third-party report) unfit for duty ~~and referring an employee for a medical evaluation when appropriate.~~
- c. Recording the reasons/observations that triggered ~~a~~ a-fitness for duty ~~concern~~ medical evaluation referral.
- d. Utilizing this policy in a fair and consistent manner, respecting the employee's privacy and the confidentiality of medical information.

#### 5. Procedures

- a. Employee plans to return from work after an extended medical absence.
  - 1. ~~Employee is required~~ Manager/supervisor receives to submit medical certification from employee prior to his/her return to work indicating that employee is able to return to work, with suggested accommodations, if applicable.
  - 2. Manager/supervisor with assistance from Human Resources determines whether or not employee can perform essential functions of the job with or without accommodation. ~~accepting suggested accommodations or developing alternative accommodations~~
  - 3. Manager/supervisor provides and employee utilizes accommodations
- b. A triggering event occurs when a manager/supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations may include, but are not limited to an employee's self-reports, manual dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, suicidal or threatening statements, change in personal hygiene, presence of condition likely to lead to food borne disease transmission, memory and/or odor of alcohol or marijuana.
  - 1. Manager/supervisor interviews employee, when possible.
  - 2. Manager/supervisor assesses magnitude of safety risk. Managers/supervisors should ~~are encouraged to~~ contact Human Resources and ~~Payroll~~ for assistance.
    - A. No risk: keep notes of event
    - B. Minor risk:

~~I. Encourage~~ employee to use Employee Assistance Program (see NDSU policy 134) or seek medical treatment;

~~B. II. Document~~ event

C. Significant risk:

I. Contact University Police if appropriate

II. Place employee on paid leave of absence (sick leave or paid administrative leave, depending on situation)

III. Arrange for employee's safe transportation home if situation warrants

~~IV.~~ Refer employee to Employee Assistance Program

~~IV.V.~~ Work with Office of Human Resources and Payroll to initiate ~~a or for~~ medical evaluation

~~V.VI.~~ Implement discipline, if appropriate

~~D. Severe risk:~~

~~I. Contact University Police~~

~~II. Place employee on paid leave of absence~~

~~III. Arrange for employee's safe transportation home~~

~~IV. Implement appropriate discipline~~

## 6. Outcomes

- a. Employees voluntarily seeking assistance for physical (including controlled substance, drug and alcohol abuse/addictions), mental, and/or emotional problems before their work performance or attendance is adversely affected will not have their employment status jeopardized for seeking assistance.
- b. Employees cooperating in a medical evaluation and in compliance with recommendations for medical, psychological and/or chemical dependence treatment may be returned to the job provided appropriate discipline, if warranted, has taken place.
- c. Employees posing a severe risk may be subject to discipline up to and including termination of employment.

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### HISTORY:

New	May 15, 1972
Amended	May 12, 1986
Amended	April 1992
Amended	April 2000
Amended	April 2001
Amended	March 2002

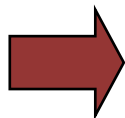


Amended

October 2007

# Policy Change Cover Sheet

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## SECTION: Policy 309 MINIMUM QUALIFICATIONS FOR INSTRUCTIONAL FACULTY 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**  
 This policy is required by Higher Learning Commission (HLC is the regional accreditation agency that accredits NDSU as a degree granting higher education institution). Guidelines published in October 2015 and March 2016 state HLC's requirement that faculty members have "appropriate expertise in the subjects they teach." All HLC-accredited institutions must be in compliance with this requirement no later than Sept. 1, 2017.
  - Describe change: Instructional faculty can be qualified to teach based on a combination of academic and tested experience-based credentials. Specifically,
    1. Faculty teaching in undergraduate programs should hold a degree at least one level above that of the program in which they are teaching.
    2. Faculty teaching graduate courses or cross listed undergraduate/ graduate courses (400/600) should have earned a terminal degree.
    3. Tested experience qualifications should be established for specific disciplines and programs.
    4. The faculty hiring qualifications related to tested experience should be reviewed and approved through the faculty governance process.
2. This policy change was originated by (individual, office or committee/organization):
  - Faculty Senate Faculty Affairs Committee and Office of the Provost
  - Email address of the person who should be contacted with revisions: [canan.bilen.green@nds.edu](mailto:canan.bilen.green@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 2/27/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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# North Dakota State University

## Policy Manual

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### SECTION 309

#### MINIMUM QUALIFICATIONS FOR INSTRUCTIONAL FACULTY POLICY

SOURCE: NDSU President

##### 1. INTRODUCTION

- 1.1 In order to ensure high quality teaching and learning in its curricula, this policy establishes the minimum standards for ensuring all instructors of record are qualified to teach credit-bearing NDSU courses. A faculty member can be qualified based on a combination of academic and other credentials. For description of Academic Appointments see [Policy 350.1](#). In general all instructors will be judged primarily on the basis of earned degrees in a field or subject area relevant to the courses taught, obtained from academic institutions that are accredited by regional higher education associations and/or professional accrediting organizations.
- 1.2 In particular cases, a faculty member may be deemed qualified based on other credentials appropriate for a given course, which may include, but not limited to, licensure or certification; honors, awards and other recognitions; relevant work or teaching experience in the field; research record; or graduate level course work.
- 1.3 For all cases academic units are responsible for documenting and justifying the qualifications of its instructional faculty prior to appointment.

##### 2. GENERAL STANDARDS for INSTRUCTIONAL FACULTY QUALIFICATIONS

NDSU applies the following guidelines in establishing minimum credentials for teaching credit-bearing and developmental courses:

- 2.1 **Academic Qualifications.** Qualification to teach a given course is usually based on the faculty member's highest earned degree in the teaching discipline, with exceptions for areas where terminal degree is awarded at the Masters level and faculty possesses a doctorate in a related field.

For **undergraduate courses** (enrolling only baccalaureate students), faculty will be deemed academically qualified if they have earned a master's degree or higher in:

- the subject being taught;
- a closely related field, as defined by program/ academic department and accrediting body; or
- any discipline with at least eighteen (18) graduate credit hours in the subject being taught or a closely related field, as defined by the program/academic department.

For **general education** courses at the undergraduate level, faculty will be deemed academically qualified if they have earned:

- doctorate or master's degree in the teaching discipline; or
- master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

For **graduate courses** and for **cross listed undergraduate/ graduate courses** (400/600), faculty will be deemed academically qualified if they have earned a terminal degree in the subject being taught or in a closely related field as defined by program/ academic department and have a record of research, scholarship or achievement appropriate for graduate program.

- 2.2 **Tested Experience-based Qualifications.** If the academic qualifications articulated in 2.1 are not present, qualification to teach in a particular field must be based on other credentials which may include, but not limited to, licensure or certification; honors, awards and other recognitions; relevant work or teaching experience in the field; research record; or graduate level course work. Academic units must define minimum tested experience-based qualifications for their programs.

### 3. TO WHOM THIS POLICY APPLIES

This policy applies to all faculty members who teach courses, including tenured, tenure-track, non-tenure-track, part-time, visiting, and adjunct faculty. This policy does not apply to graduate teaching assistants who work under the direct supervision of a faculty member. *All graduate students assigned as instructors of record should have either a master's in the same discipline or have satisfactorily completed at least 18 graduate credit hours in the same discipline to that of instruction. Graduate student instructors of record must receive appropriate training prior to instruction.*

### 4. APPROVAL OF MINIMUM STANDARDS AND INSTRUCTIONAL FACULTY APPOINTMENTS

- 4.1 The academic units are responsible for reviewing and verifying the teaching qualifications for instructors of record, including graduate assistants who serve as instructor of record, adjuncts, visiting professors, and part-time academics, at the time of hire. Verification and validation must be conducted for each separate course taught. This process will occur prior to any instructor's initial appointment with the University, regardless of the mode of course delivery.
- 4.2 The academic units (chairs/heads/program directors working with program faculty) will define criteria (minimum academic and/or tested experience-based qualifications) that will be used to ensure that all individuals who are selected as instructional staff have the appropriate knowledge and expertise to teach courses for the program. Instructor of Record Qualifications determined by academic units for each program will be reviewed and approved through the regular faculty governance process. Approved Instructor of Record Qualifications will be kept on file at the department and college levels and consulted when appropriate. Any changes to the instructor of record qualification must be approved.
- 4.3 Faculty who are deemed qualified to teach based on credentials other than those approved academic and tested experience-based qualifications will be reviewed and approved on a case-by-case basis. Decisions to hire faculty under this provision will be relatively rare.

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HISTORY:

New \_\_\_\_\_, 2017

## Policy Change Cover Sheet

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



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

### SECTION: **123 Financial Conflict of Interest-Public Health Service and National Science Foundation Sponsored Research**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☒ Yes ☐ No
  - Describe change: This policy was written for PHS sponsored research. It has come to our attention that NSF requires the same SFI disclosures and reporting so we have added this language
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted Research Integrity and Compliance Julie Sherwood 1/25/2017
  - Email address of the person who should be contacted with revisions [j.sherwood@nds.edu](mailto:j.sherwood@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 2/27/17

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.policy.manual@nds.edu](mailto: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!

# Dakota State University

## Policy Manual

### SECTION 823

#### FINANCIAL CONFLICT OF INTEREST – PUBLIC HEALTH SERVICE, [NATIONAL SCIENCE FOUNDATION OR OTHER APPLICABLE](#) SPONSORED RESEARCH

SOURCE: SBHE Policy Manual, Section 611.4  
NDSU President

#### 1. INTRODUCTION

- 1.1. The US Public Health Service (PHS), [National Science Foundation \(NSF\)](#) and other applicable [sponsors](#) requires institutions to establish standards that promote the objectivity of research by ensuring that the design, conduct, and reporting of such research is free from any potential for bias resulting from Investigator financial conflicts of interest. Investigators should conduct their affairs as to avoid or minimize conflicts of interest, and must respond appropriately when conflicts of interest arise.
- 1.2. This policy governing financial conflict of interest applies to all Investigators funded by, or submitting proposals for funding to any agency of the PHS, except for Small Business Innovation Research (SBIR) Program Phase I applications. [This exclusion does not apply to investigators submitting proposals to NSF.](#) Investigators are required to disclose any external financial interests related to their NDSU responsibilities for review, and any required management, to ensure the design, conduct or reporting of the PHS research is not biased by a financial conflict of interest. Investigators of sponsored projects funded by any other external agency are referred to [NDSU Policy 151.1, External Activities and Conflicts of Interest](#) to address conflicts of interest, including financial.

#### 2. DEFINITIONS

- 2.1. **Administrative Head:** a Department Chair or Head, Dean, Director, Vice President, President or equivalent officer who has the primary authority for administering an administrative unit, and is responsible for solicitation and review of disclosures of Investigator's Significant Financial Interests (SFI) related to their institutional responsibilities, including interests of an Investigator's family members. When a conflict exists for an Administrative Head, refer the matter to the next level of administrative authority in the normal reporting lines. (See also in [Policy 151.1.](#))
- 2.2. **Conflict of Interest Advisory Committee (CIAC):** a committee comprised of five members recommended by the Faculty Senate Executive Committee and appointed by the President of the Faculty Senate. The CIAC shall serve as an advisory body to the University administration on conflict of interest issues, and shall also hear appeals of decisions in conflict of interest cases. (See also in [Policy 151.1.](#))
- 2.3. **Family:** any member of the Investigator's immediate family, including spouse, [domestic partner](#), parents, siblings, and children.
- 2.4. **Financial Conflict of Interest (FCOI):** a Significant Financial Interest (SFI) that the University reasonably determines could directly and significantly affect the design, conduct or reporting of NDSU research.

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**Commented [JS3]:** SBIR/STTT is not excluded if applying for NSF funding.

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## Attachment 10

- 2.5. **Investigator's Institutional Responsibilities:** the Investigator's responsibilities associated with his or her institutional appointment or position, such as research, teaching, clinical activities, professional practice, institutional committee memberships and service on panels, such as an Institutional Review Board.
- 2.6. **Investigator:** the project director or principal investigator and any other person, regardless of title or position, who is responsible for the design, conduct or reporting of Research funded by the [PHS, NSF or other sponsors](#), or proposed for such funding, which may include collaborators or consultants.
- 2.7. **Management:** taking action to address a Financial Conflict of Interest (FCOI), which includes a documented plan to reduce or eliminate the FCOI to ensure, to the extent possible, that the design, conduct or reporting of the project will be free from bias.
- 2.8. **Public Health Service (PHS):** the Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority of the PHS may be delegated. The components of the PHS include, but are not limited to, the Administration for Children and Families, Administration on Aging, Agency for Healthcare Research and Quality, Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention, Federal Occupational Health, Food and Drug Administration, Health Resources and Services Administration, Indian Health Service, National Institutes of Health, and Substance Abuse and Mental Health Services Administration.
- 2.9. **Research:** a systematic investigation, study, or experiment designed to contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research (e.g., a published article, book, or book chapter) and product development (e.g., a diagnostic test or drug).
- 2.10. **Retrospective Review:** a review of a financial interest that was either not disclosed, or not reviewed and managed by the University in a timely manner. The review is conducted to determine whether any PHS research conducted prior to the identification and management of the FCOI was biased in the design, conduct, or reporting.
- 2.11. **Significant Financial Interest (SFI):** anything of monetary value received or held by an Investigator or a Family member, whether or not the value is readily ascertainable, that reasonably appears to be related to the Investigator's Institutional Responsibilities. (Note: this exceeds the definition of SFI in [Policy 151.1](#)). SFI includes:
- 2.11.1. Salary or other payments for services (e.g., consulting fees, honoraria, or paid authorships for other than scholarly works) when the aggregated value received from a *publicly traded* entity during the 12 month period preceding the disclosure, and the value of any equity interest during the 12 month period preceding or as of the date of disclosure, exceeds \$5,000; or
  - 2.11.2. Salary or other payments for services, when the aggregated value received from a *non-publicly traded* entity during the 12 month period preceding the disclosure exceeds \$5,000; or
  - 2.11.3. Equity interests (e.g., stocks, stock options, or other ownership interests) in a non-publicly-traded company of any value during the 12 month period preceding or as of the date of disclosure; or

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- 2.11.4. Income related to intellectual property rights and interests (e.g., patents, trademarks, service marks, and copyrights) not reimbursed through NDSU; and
- 2.11.5. Reimbursed or sponsored travel that is related to Investigator's Institutional Responsibilities. This includes travel that is paid on behalf of the Investigator rather than reimbursed, even if the exact monetary value is not readily available. It excludes travel reimbursed or sponsored by U.S. Federal, state, or local governmental agencies, U.S. institutions of higher education, research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers.
- SFI does NOT include:
- 2.11.6. Salary, royalties, or other remuneration from NDSU;
- 2.11.7. Income from the authorship of academic or scholarly works;
- 2.11.8. Income from seminars, lectures, or teaching engagements sponsored by or from advisory committees or review panels for U.S. Federal, state or local governmental agencies; U.S. institutions of higher education; U.S. research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers; or
- 2.11.9. Equity interests or income from investment vehicles, such as mutual funds and retirement accounts, so long as the Investigator does not directly control the investment decisions made in these vehicles.

3. DISCLOSURE OF SIGNIFICANT FINANCIAL INTERESTS

- 3.1. Investigators must disclose all SFI related to their Institutional Responsibilities (or certify no SFI) by completing the [PHS SFI Disclosure Form](#) and submit it to their Administrative Head and Dean for initial review.
- 3.1.1. [PHS, NSF or other sponsors](#) proposal submission. Investigators must have a current (within the last 12 months) [PHS SFI Disclosure Form](#) on file with the University prior to submitting a Research proposal to [PHS, NSF or other sponsors](#) as a principal or subrecipient Investigator. A copy of the [PHS SFI Disclosure Form](#) is routed with the Proposal Transmittal Form to Sponsored Programs Administration (SPA). (The disclosure does not require review by the Administrative Head and Dean until funding has been awarded, unless otherwise required under Policy 151.1.)
- 3.1.2. Annual disclosure. Investigators participating in [PHS, NSF or other sponsor](#)-funded Research are required to submit to their Administrative Head and Dean an updated disclosure at least annually by submission of the [PHS SFI Disclosure Form](#). New investigators must disclose within 30 days of their initial appointment or employment. The disclosure must be reviewed, managed, and reported to [PHS, NSF or other sponsor](#) when necessary, within 60 days of employment.
- 3.1.3. New SFI. Investigators participating in, or applying for [PHS, NSF or other sponsor](#)-funded Research are required to submit an updated disclosure within 30 days of discovery or acquisition (e.g., through purchase, marriage, or inheritance) of a new SFI. The disclosure must be reviewed, managed, and reported to [PHS, NSF or other sponsor](#) when necessary, within 60 days of identification.

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## Attachment 10

3.1.4. Travel. Investigators participating in, or applying for [PHS](#), [NSF or other sponsor](#)-funded Research are also required to disclose any reimbursed or sponsored travel related to their Institutional Responsibilities as defined under 2.11.5 above. Such disclosures must include, at a minimum: the purpose of the trip, identity of the sponsor/organizer, destination, duration, and monetary value, if known. The Administrative Head determines if additional information is needed (e.g., the monetary value if not already disclosed) to determine whether the travel constitutes a FCOI with the Investigator's Research.

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### 4. REVIEW OF SFI DISCLOSURE

4.1. Prior to expenditure of [PHS](#) funds, the review and management of any FCOI must be complete, and a copy of the documentation forwarded to SPA. SPA will report any identified FCOI to the [PHS](#), [NSF or other applicable](#) agency. If the proposal does not result in an award, FCOI disclosures will be returned to the Administrative Head and Dean for further action if required under Policy 151.1.

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4.2. If the Investigator has certified that he/she has no SFI to disclose, the Administrative Head and Dean, if they are in agreement with the Investigator's disclosure, sign the [PHS](#) *SFI Disclosure Form*, acknowledging receipt and agreement, and sending a copy to SPA.

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4.3. When the Investigator has disclosed SFI, the Administrative Head and Dean must review the [PHS](#) *SFI Disclosure Form(s)* before the expenditure of funds. This review is to determine whether:

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4.3.1. The SFI reasonably appears to be related to the [funded PHS](#) Research (e.g., if the SFI could be affected by the [PHS](#) Research, or is in an entity whose financial interests could be affected by the Research); and

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4.3.2. The interest constitutes a FCOI (e.g., a SFI that may directly and significantly affect the design, conduct, or reporting of [PHS](#), [NSF or other sponsor](#)-supported Research).

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4.4. If the SFI is either found to not be related to the [funded PHS](#) Research, or does not involve a potential FCOI, the Administrative Head and Dean sign the [PHS](#) *SFI Disclosure Form*, forwarding a copy to SPA; no further action is needed.

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4.5. If the SFI is determined to constitute an actual or apparent FCOI, the Administrative Head and Dean sign the determination, forwarding the [PHS](#) *SFI Disclosure Form* to the respective VP, Provost, or the CIAC for additional review and Management, as set forth in Section 5.

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4.5.1. Should the VP, Provost, or CIAC review result in a determination that no actual or apparent FCOI exists, the final determination is documented on the [PHS](#) *SFI Disclosure Form*, a copy is forwarded to SPA, and no further action is required.

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4.5.2. In the event the Dean, VP, Provost, or CIAC determines that the FCOI cannot be satisfactorily managed, NDSU will refuse the [PHS](#) award. The final determination is documented on the [PHS](#) *SFI Disclosure Form*, a copy is forwarded to SPA, and no further action is required.

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### 5. MANAGEMENT OF FINANCIAL CONFLICTS OF INTEREST

5.1. Prior to expenditure of [PHS](#) funds, the VP, Provost, or CIAC are responsible for development of a Management plan including conditions or restrictions to eliminate, reduce, or manage the FCOI. The Investigator, Administrative Head, and Dean may also be involved in drafting the plan, including conditions such as:

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## Attachment 10

- 5.1.1. Public disclosure of the conflict when publishing or presenting Research;
- 5.1.2. For human Research projects, disclosure of the conflict directly to participants;
- 5.1.3. Appointment of an independent monitor capable of taking measures to protect the design, conduct and reporting of the Research against bias resulting from the conflict;
- 5.1.4. Modification of the Research plan;
- 5.1.5. Change of personnel or their responsibilities, or disqualification from participating in all or a portion of the Research;
- 5.1.6. Reduce or eliminate the SFI; or
- 5.1.7. Sever relationships that pose a FCOI.
- 5.2. Upon review and consideration, the Management plan is documented in writing, including:
  - 5.2.1. Role and principal duties of the conflicted Investigator;
  - 5.2.2. Conditions of the Management plan;
  - 5.2.3. How the plan is designed to safeguard objectivity in the Research;
  - 5.2.4. Confirmation of the Investigator's agreement to the Management plan;
  - 5.2.5. How the plan will be monitored to ensure Investigator compliance; and
  - 5.2.6. Any other information relevant to the management of FCOI.
- 5.3. The Dean and the VP or Provost signs the Management plan, and appoints an individual to monitor the project until completion of the PHS-funded Research. SPA receives a copy of the approved Management plan, and reports all instances of FCOI to PHS, NSF or other sponsor, or the primary awardee institution, including applicable Management plans.
- 5.4. Where the Research involves human subjects, the Investigator provides a copy of the approved Management plan to the IRB for review with the IRB protocol. The IRB may impose additional, specific conditions or restrictions, where necessary, to ensure protection of the rights and welfare of research participants, but may not alter the Management plan finalized by the VP or Provost.

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## 6. TRAINING

- 6.1. Investigator training on FCOI, this policy, and their responsibilities regarding disclosure of SFI is:
  - 6.1.1. Recommended prior to submitting a Research proposal to the PHS, NSF or other sponsors;
  - 6.1.2. Required prior to expenditure of PHS, NSF or other sponsored funds;
  - 6.1.3. Required every 4 years during the period of award;

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## Attachment 10

6.1.4. Required immediately when the FCOI policy is revised, an Investigator is new to a PHS, [NSF or other sponsor](#) project, or an Investigator is not in compliance with the policy or Management plan.

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6.2. Online training modules shall be completed via [www.citiprogram.org](http://www.citiprogram.org). The principal Investigator of each PHS, [NSF or other sponsor](#) funded project ensures that all applicable individuals involved in the design, conduct or reporting of their Research complete training.

### 7. SUBRECIPIENT REQUIREMENTS

7.1. [PHS, NSF and other sponsors](#) requires the awardee institution take reasonable steps to ensure that any subrecipient complies with FCOI requirements.

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7.1.1. Subrecipient awards must specify whether the FCOI policy of NDSU, or that of the subrecipient will apply to the subrecipient's Investigators.

7.1.2. When the subrecipient's Investigators must comply with the subrecipient's FCOI policy, the subrecipient award will certify that the subrecipient's policy complies with [PHS, NSF or other sponsors](#) regulations, and specify the time period to report all identified FCOI to NDSU, in sufficient time to allow NDSU to report any FCOI to PHS, [NSF or other sponsors](#) prior to expenditure of funds by subrecipient.

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7.1.3. When the subrecipient's Investigators must comply with NDSU FCOI policy, the subrecipient award will specify the time period to report all SFI disclosures to NDSU, in sufficient time for review, management and reporting of any FCOI to PHS, [NSF or other sponsors](#) prior to expenditure of funds by subrecipient. In such a case, the subrecipient disclosure and review will follow the same process required by NDSU Investigators in Section 3 and 4.

### 8. APPEALS

8.1. If Research is determined to be subject to restrictions or conditions due to FCOI, the Investigator may appeal the decision to the Faculty Senate President, as described in [Policy 151.1](#). The CIAC serves to hear appeals of decisions in conflict of interest issues, and shall meet with the appellant Investigator within 15 working days of receipt of the appeal. If a member of the CIAC has any personal or working relationship with the appellant Investigator, that member should recuse him or herself and be replaced by another member appointed by the President of the Faculty Senate. More than one meeting may be scheduled to decide the case, if necessary.

8.2. The appellant Investigator has the right to call any witnesses and produce any evidence that could bear on a recommendation to allow the activity, as well as to have an advisor accompany him/her to any CIAC deliberations. The CIAC, however, will come to its conclusions and write its final recommendations in private. The recommendation to either uphold or change the original decision shall be sent to the appropriate Dean, VP, or Provost. If the CIAC finds that the original decision should be upheld, then a final appeal may be made to the President of the University. If the recommendation is to change the original decision, the Dean, VP, or Provost shall take appropriate action as he or she deems fit. All records of the proceedings shall be maintained on file in the office of the appropriate Dean, VP, or Provost for three (3) years. A copy of the final recommendations shall be provided to the appellant Investigator.

### 9. COMPLIANCE AND SANCTIONS

## Attachment 10

9.1. In the event an Investigator fails to disclose SFI, or the Institution fails to review the disclosure in a timely fashion, PHS, NSF and other sponsors requires the Institution to conduct a review within 60 days of knowledge of the failure. If the SFI is found to involve FCOI, an interim Management plan is required, as well as a report to PHS the sponsor by SPA.

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9.2. In the event a FCOI is not identified or managed in a timely fashion, or the Investigator fails to comply with terms of a Management plan, PHS, NSF and other sponsors requires that the Institution conduct a Retrospective Review. Within 120 days of identification of the noncompliance, the Dean, VP, Provost, or CIAC performs the review to determine whether the Research conducted during the period of noncompliance was biased in its design, conduct or reporting. The process and findings of the review are documented, and reported promptly to PHS the sponsor by SPA.

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9.3. If bias is found, the Institution is required to notify PHS, NSF or other sponsors promptly, and submit a mitigation report. The report is prepared with the assistance of the Investigator, Administrative Head, and Dean, and shall include a description of the impact of the bias on the Research project and the plan of action to eliminate or mitigate the effect of the bias.

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9.4. Violations of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and termination of employment at NDSU. In addition, any NDSU employee who has received financial benefit from transactions in violation of this policy shall be liable for repayment (to the appropriate entity) of all financial benefits resulting from such violation. Compliance with this policy may also be enforced through the exercise of administrative oversight of funded Research and management of NDSU facilities and other property. Such enforcement measures may include, but are not limited to:

9.4.1. Freezing Research funds or accounts;

9.4.2. Rescinding contracts entered in violation of this policy or state law; or

9.4.3. Bringing legal action for restitution to the appropriate entity or entities of the amount of financial benefit received by the NDSU employee as a result of the employee's violation of this policy.

## 10.REPORTING

10.1. Prior to expenditure of funds, SPA shall report all findings of FCOI to PHS, NSF or other applicable sponsor. The report shall include sufficient information to allow the agency to understand the nature of the conflict and appropriateness of the Management plan. It shall include:

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10.1.1. Project number; project director or principal Investigator;

10.1.2. Name of Investigator with the conflict, and the entity involved;

10.1.3. Nature of the financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium, etc.);

10.1.4. Value of the financial interest (dollar ranges are acceptable), or a statement that value is not readily determined;

10.1.5. Description of how the SFI relates to the funded PHS Research and the basis for determining that the SFI conflicts with the Research;

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## Attachment 10

10.1.6. Description of the key elements of the Management plan, as described above.

10.2. On an annual basis, SPA reports to PHS, [NSF or other sponsor](#) the status of any previously identified FCOI, and any changes to the Management plan.

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10.3. SPA submits Retrospective Review and mitigation reports promptly to PHS, [NSF or other sponsors](#) as necessary.

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### 11. RECORDS AND CONFIDENTIALITY

11.1. Records of all disclosures of SFI and of all actions taken to review and manage conflicts will be maintained by the respective Department or College until at least three (3) years after the later of the termination or completion of the award to which they relate, or the resolution of any governmental action involving these records.

11.2. The disclosure and supporting documents filed in compliance with this policy will be maintained as confidential to the extent possible under applicable state and federal requirements and the North Dakota Open Records Act. Whenever requests for such information are requested by any external entity, the individual will be notified.

### 12. PUBLIC ACCESSIBILITY

12.1. [PHS, NSF and other sponsors](#) requires NDSU to ensure public accessibility of SFI information related to [PHS, NSF and other sponsored](#) Research, including an obligation to respond to any requestor within five business days, with information concerning any SFI that meets all the following criteria:

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12.1.1. The SFI was disclosed and is still held by the senior/key personnel;

12.1.2. A determination has been made that the SFI is related to the [PHS](#)-funded Research; and

12.1.3. A determination has been made that the SFI constitutes an FCOI.

12.2. The information to be made available shall include the Investigator name, title and role in Research, name of entity involved with the FCOI, nature of the interest, approximate dollar amount of interest, or statement that the value is not readily determined.

12.3. The information must be made available for a period of three (3) years from the date that it was most recently updated.

#### HISTORY:

New	June 1995
Amended	October 1997
Amended	August 2007
Revised	August 23, 2012

**NDSU Faculty Senate Meeting**  
April 10, 2017 at 3pm  
Prairie Rose Room, Memorial Union  
Agenda

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- I. Call to Order
- II. Attendance
- III. Approval of previous meeting minutes from March 20, 2017
- IV. Consent agenda
  - a. University Curriculum Committee report (**attachment 1**)
  - b. University Athletics Committee Bylaw Change (**second vote**) (**attachment 2**)
  - c. 133.1 – Human Resources and Payroll, Customer Account Services (**attachment 3**)
- V. Announcements
  - a. Dean Bresciani, President
  - b. Beth Ingram, Provost
  - c. Katie Gordon, Faculty Senate President – **There will be an election for the next Faculty Senate President-Elect at the 5/8/17 meeting.**
  - d. Stuart Haring, Faculty Senate President-Elect
  - e. Amelia Pfarrer and Brendan Curran, Student Government Representatives
- VI. Unfinished Business
  - a. 161- Human Resources and Payroll (**attachment 4**)
  - b. 309 - Faculty Affairs Committee and Office of the Provost (**attachment 5**)
  - c. 823 – Research Integrity and Compliance (**attachment 6**)
- VII. New Business
  - a. Resolution to SBHE/Chancellor - Dennis Cooley (**attachment 7**)
  - b. 163.2 (for faculty input & feedback) - Commission on the Status of Women Faculty (**attachment 8**)
- VIII. Adjourn

**University Curriculum Committee Report  
For Faculty Senate Meeting on April 10, 2017**

General Education Recommendations				
PH 101 – approval for Diversity category				

Course Changes								
From:				To:				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
MICR	475	Animal Virology	3	MICR	475	<b>Virology</b>	3	Fall 2017
MICR	752	Advanced Food Microbiology	3	MICR	752	<b>Advanced Topics in Food Safety Microbiology</b>	3	Fall 2017
PSCI	670	Pharmaceutics III: Pharmacokinetics	3	PSCI	670	<b>Pharmacokinetics</b>	3	Fall 2017
SOIL	733	Modeling Environmental Fate and Transport	2	SOIL	733	<b>Advanced Soil Nutrient Cycling</b>	<b>3</b>	Spring 2018

Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions				
Subject	No.	Title	Prerequisite/Co-requisite Change	Effective Term
ABEN	458	Process Engineering for Food, Biofuels and Bioproducts	Prereq: ABEN 263	Fall 2017
COMM	465	Convergence Media	Desc: Techniques for digital storytelling, multimedia content creation, and cross-platform production. Prereq: Restricted to Communication professional majors or minors.	Summer 2017
CSCI	413	Principles of Software Engineering	Prereq: CSCI 213 or ECE 275	Summer 2017
CSCI	834	Expert Systems	Desc: Examination of types of knowledge-based systems, their powers and limitations. Students create their own knowledge-based system.	Summer 2017
HDFS	360	Adult Development and Aging	Prereq: none	Fall 2017
MICR	475	Virology	Desc: The biology of viruses with emphasis on virus replication and pathogenesis. Co-req: MICR 470	Fall 2017
MICR	752	Advanced Topics in Food Safety Microbiology	Desc: Overview of food systems and in-depth evaluation of microbiological food safety concerns with an emphasis on public health aspects of detecting, tracking, and controlling pathogens in the food supply.	Fall 2017
PHRM	450	Self Care	Prereq: PHRM 340, PHRM 341 both with a grade of C or higher Co-req: none	Spring 2018
PSCI	670	Pharmacokinetics	Prereq: PSCI 411 with a grade of C or higher	Fall 2017
SOIL	733	Advanced Soil Nutrient Cycling	Desc: Overview of origins, nature fate, and measurements of organic matter in soils, with specific focus on microbially-mediated, physical, and chemical processing of carbon, nitrogen, phosphorus, and other plant nutrients. Three lectures per week. Offered spring semester, even years.	Spring 2018

Course Inactivations				
Subject	No.	Title	Crs.	Effective Term
MUSC	732	Applied Collaborative Study	1-4	Fall 2017

# CONSTITUTION AND BY-LAWS

## NORTH DAKOTA STATE UNIVERSITY ATHLETICS COMMITTEE

### Article I.

#### Name

- Section 1. This organization shall be known as the North Dakota State University Athletics Committee.

### Article II

#### Purpose

- Section 1. The purpose of the North Dakota State University Athletics Committee is to be informed in matters affecting intercollegiate athletics at North Dakota State University; to effectively communicate with the Director of Intercollegiate Athletics, ~~the Director of Women's Intercollegiate Athletics~~, the University Senate and the President in areas of concern regarding athletics.

### Article III

#### Duties and Responsibilities

- Section 1. The North Dakota State University Athletics Committee shall serve as an athletics advisory board, which has responsibility for providing advice and counsel on athletics policies and principles governing:

- Institutional Control and Responsibility
- Student-Athlete Well Being
- Gender Equity
- Sound Academic Standards
- Sportsmanship and Ethical Conduct
- Nondiscrimination
- Rules Compliance
- Amateurism
- Competitive Equity
- Recruiting
- Financial Aid
- Eligibility
- Playing and Practice Seasons
- Postseason Competition
- Economy of Athletics Program Operation

- Section 2. One member of the North Dakota State University Athletics Committee shall serve as a representative on the University Student-Athlete Appeals Committee.
- Section 3. Assist in the formation of selected policy recommendations to be forwarded to the University Senate.
- Section 4. Review issues and legislation for conference and national meetings and recommend institutional positions.



- Section 5. Review the preliminary budget of the athletic programs.
- Section 6. Serve as liaison to various constituents in support of athletics.

#### Article IV Membership

- Section 1. North Dakota State University is a member of the National Collegiate Athletic Association; the Missouri Valley Football Conference; the Summit League; and the ~~Western Wrestling~~ Big XII Conference. The responsibility for compliance with the rules and regulations of these organizations is vested with the President of the University.
- Section 2. Membership shall consist of one faculty member from each representation unit, two students, the Student Body Vice-President, the President of the Student-Athletes Advisory Council, two representatives of the Staff Senate, the Director of Intercollegiate Athletics, Senior Women's Administrator, and the Faculty Athletic Representative.
- Section 3. The recording secretary shall serve as an ex-officio member of the North Dakota State University Athletics Committee.

#### Article V Amendments

- Section 1. Amendment or revision of the Constitution may be approved by a two-thirds affirmative vote of the North Dakota State University Athletics Committee after a 30-day prior notice of the proposed change.

#### Bylaw I Selection of Members and Terms of Office

- Section 1. Faculty members from each college ~~or school~~ except ~~University Studies and~~ the Graduate School shall be elected or appointed by their unit. The maximum length of term shall be four years.
- Section 2. Representatives from Student Government, the Student-Athlete Advisory Council and Staff Senate shall be elected or appointed annually by their unit.
- Section 3. The Director of Intercollegiate Athletics shall be a permanent member of the Committee.
- Section 4. The ~~Director of Women's Intercollegiate Athletics~~ Senior Woman Administrator shall be a permanent member of the Committee.
- Section 5. The-Faculty Athletics Representative shall be appointed by the President of the University and shall serve at the pleasure of the President.
- ~~Section 6. The Vice President of Equity, Diversity and Global Outreach shall be a permanent member of the Committee.~~

Bylaw II  
Officers

- Section 1. The officers of the North Dakota State University Athletics Committee shall include a chair, vice chair and a secretary.
- Section 2. Officers shall be nominated and elected annually.

Bylaw III  
Duties of the Officers

- Section 1. The duties of the chair shall include presiding over meetings and representing the North Dakota State University Athletics Committee at designated functions.
- Section 2. It shall be the duty of the vice chair to serve in the absence of the chair.

Bylaw IV  
Meetings

- Section 1. Meetings of the North Dakota State University Athletics Committee shall be held at the discretion of the chair, but at least two meetings per year shall be held.
- Section 2. The North Dakota State University Athletics Committee shall act upon matters that require immediate action between scheduled University Athletics Committee meetings.
- Section 3. The duties of the recording secretary shall include the recording and distribution of the minutes.

Bylaw V  
Sub-Committees

- Section 1. Sub-committees may be appointed by the chair as deemed necessary.

Bylaw VI  
Order of Business

- Section 1. At least seven members with voting rights, at least five of whom are faculty representatives, are necessary to constitute a quorum.
- Section 2. The agenda for the meetings shall be prepared by the chair with items presented by the Committee. The agenda shall be sent to each committee member prior to the meeting.

Bylaw VII  
Amendments

- Section 1. An amendment to the Bylaws may be approved by a two-thirds affirmative vote by the North Dakota State University Athletics Committee.

Revised: April 2016

## 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](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

### SECTION: **Policy 133.1 Tuition Waiver – Spouse/Partner and Dependents**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes ☒ No
  - Describe change: Adding clarifying language to policy regarding use with other tuition waivers, specific programs and removing the in or out of state tuition waiver information.
  - The SBHE Policy 820 and NDUS Procedure 820.1 was amended on May 1, 2016 to establish an Employee Spouse and Dependent Tuition Waiver which provided a consistent practice across the eleven ND University System institutions.
  -
2. This policy change was originated by (individual, office or committee/organization):
  - HR/Payroll & Customer Account Services
  - Colette.Erickson@nds.edu and Karin.Hegstad@nds.edu

*This portion will be completed by Mary Asheim.*

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: 3/20/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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## North Dakota State University

### Policy Manual

#### SECTION 133.1 TUITION WAIVER – SPOUSE/PARTNER AND DEPENDENTS

SOURCE: NDSU President  
SBHE Policy Manual, Section 820.13

The North Dakota State Board of Higher Education ~~allows campuses to adopt tuition waivers which are consistent with an institution's mission and North Dakota State University encourages the family members of benefitted employees to pursue a program of continuing education.~~ The spouse/partner and dependent tuition waiver is intended to help recruit and retain faculty and staff who can best perform or support the teaching, research and public service mission of the University.

1. The spouse/partner and dependents of regular ~~(broadbanded staff must be off probation),~~ benefitted NDSU employees as defined in SBHE Board Policy 703.2 are eligible for the waiver ~~effective Fall 2002.~~

- 1.1 Dependents are defined as ~~those unmarried children (25 years of age or under if they are a full time student, otherwise age 22 and under), who rely on the parent(s) for significant financial support, a child who is related to the employee as a natural child, a child placed for adoption, a legally adopted child, a child for whom the employee has legal guardianship, a stepchild, or a foster child, under the age of 26. Eligible dependents do not include the spouse of an adult dependent child.~~

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

- 1.2 Partner is defined for purposes of this policy as same sex partners who have completed and filed a Declaration of Domestic Partnership <http://www.ndsu.edu/forms/> with the Office of Human Resources/Payroll.

- ~~1.3~~ ~~1.1.1~~ A spouse/partner or dependent who is also a regular, benefitted employee as defined in SBHE Board Policy 703.2 is only eligible for the ~~employee tuition waiver educational benefit~~ outlined in Section 133 (Educational Policy).

~~1.3.1.4 A spouse/partner or dependent who is eligible for the graduate assistant tuition waiver or the cultural diversity tuition waiver are not eligible for this educational benefit. Other waivers may also not be awarded which may duplicate benefits.~~

- ~~1.35~~ The spouse/partner and/or dependents must meet admission standards and register for classes through regular registration procedures.

- ~~1.46~~ The employee must be actively employed two weeks prior to ~~on~~ the first day of each semester for the spouse/partner or dependent to be eligible for the waiver.

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## Attachment 3

2. The tuition waiver is 50% of the tuition for NDSU for-credit classes ~~(excluding self-supporting, Continuing Education courses and internships that require tuition to be paid to the site for student placement and Professional Development non degree eligible courses)~~ per spouse/partner or dependent.
  - 2.1 ~~The waiver applies regardless of whether paying resident or out of state tuition. This policy is applicable to any degree eligible and remedial courses, regardless of delivery or instruction mode.~~
    - 2.1.1 Waivers cannot be used for third party provided curriculum where NDSU directly pays full or partial tuition collected to the third party, consortium programs such as the Great Plains IDEA consortium, or professional development courses which do not result in the award of college credit.
    - 2.1.2 This waiver benefit is available on classes taken through the Tri-College University Course Exchange.
  - 2.2 The maximum tuition waiver for the spouse/partner or dependent of more than one eligible employee is 50%.
  - 2.3 Fees are not ~~waivered or~~ waived.
  - 2.4 The tuition waiver applies to ~~both~~ undergraduate, professional and graduate level classes.
  - 2.5 Early Entry students ~~will be~~ are eligible according to the terms of this policy.

## 3. Procedure

- 3.1 A Spouse/Partner and Dependent Tuition Waiver application needs to be submitted to the Office of Human Resources/Payroll by the Monday two weeks prior to the start of classes for which the waiver is requested. The Human Resources and Payroll office will review to ensure the student is eligible as a spouse/partner or dependent of the benefitted employee. The Customer Account Services office will review the educational benefit for course and waiver exclusions, and will process the tuition waiver benefit. Given that conditions in this policy may change, it will be necessary to review the conditions of eligibility each term.
- 3.2 Proof of marriage, domestic partnership, and/or dependency may be required.
- 3.3 In accordance with federal regulations, the tuition waiver will be used as a financial resource and become part of the student's financial aid package. The ~~Student Financial Services Financial Aid and Scholarships~~ Office may need to adjust aid if the amount of the tuition waiver, along with other financial aid, exceeds the total cost of attendance.
- 3.4 The spouse/partner and dependent tuition waiver may not be received if the ~~No~~ employee, spouse/partner or dependent ~~who~~ has an overdue accounts receivable balance with the University ~~may receive a spouse/partner and dependent tuition waiver.~~
- 3.5 In accordance with IRS regulations, the value of the tuition waived for graduate level classes will be considered taxable income to the employee. Federal, state and social security taxes will be deducted in a lump sum from the employee's last paycheck of the semester, or, at the employee's written request, deducted on a prorated basis throughout the semester.

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## Attachment 3

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### HISTORY:

New	April 2002
Amended	July 2003
Amended	April 2005
Amended	October 18, 2010
Housekeeping	November 17, 2011
Housekeeping	July 29, 2013
Amended	March 23, 2014
Amended	November 7, 2014
Housekeeping	January 2, 2015

## Policy Change Cover Sheet

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### SECTION:

### Policy 161 Fitness for Duty

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:
- V1: Clarification of the process and changing it so it is consistent with other policies/federal laws - Family Medical Leave (FMLA) and American with Disabilities (ADA).
- V2: Clarification of the procedure for the policy to ensure compliance with state and federal laws per SCC recommendation.

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

- Office/Department/Name and the date submitted Colette Erickson, Director Human Resources and Payroll
- Email address of the person who should be contacted with revisions [Colette.erickson@nds.edu](mailto:Colette.erickson@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 3/20/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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## North Dakota State University Policy Manual

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### SECTION 161 FITNESS FOR DUTY

SOURCE: NDSU President

#### 1. Overview

NDSU is committed to providing a safe working environment and to protect the health and safety of students, faculty and staff, visitors and University property. This policy provides a mechanism for identifying and intervening when individuals who could pose a threat to the safety of others and property. Required drug and alcohol screening of employees in designated positions is addressed in NDSU policy 161.1. Post-offer/pre-hire screening of job candidates for positions related to dining services must comply with Fargo Public Health Codes.

#### 2. Definitions

- a. Fitness for duty: physical and mental health status that facilitates the performance of essential job duties in an effective manner and protects the health and safety of oneself, others and property.
- b. Reliable report: self-disclosure or third-party opinion about an employee's possible lack of fitness for duty which is assessed as reasonable by the manager/supervisor considering such factors as the relationship of the reporter to the employee, the seriousness of the employee's condition, the possible motivation of the reporter and how the reporter learned the information.
- c. Working hours: beginning with an employee's starting time and ending with the employee's quitting time as well as any time an employee is on-call. All work activities are included whether they occur on or outside University properties.
- d. ~~Physical/Mental~~ Medical evaluation: An examination performed by a university-designated health professional, including but not limited to a health history, physical and/or psychological examination and any medically indicated diagnostic studies. The cost is paid by the employee's department.
- e. ~~Physical/Mental~~ Medical certification: a document from a medically appropriate, licensed provider attesting to an employee's fitness for duty following an extended medical absence. Allowable costs to obtain the certification are paid by Workers Compensation for work-related absences, and by the employee and the employee's health insurance for absences which are not work-related.

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#### 3. Employee responsibilities

- a. Reporting to work fit for duty.
- b. Notifying the manager/supervisor when not fit for duty.



## Attachment 4

- c. Notifying the manager/supervisor when observing a co-worker who may not be fit for duty (in cases where the possibly impaired individual is the employee's manager, the employee should make the notification to the next higher level manager or the Director of Human Resources/Payroll).
- d. Cooperating with a manager/supervisor's directive and/or referral for a medical evaluation.

### 4. Manager/supervisor responsibilities

- a. Observing the attendance, performance and behavior of employees they supervise.
- b. Interviewing an employee who appears to the manager/supervisor (or third-party report) unfit for duty ~~and referring an employee for a medical evaluation when appropriate.~~
- c. Recording the reasons/observations that triggered ~~a~~ a fitness for duty ~~concern~~ medical evaluation referral.
- d. Utilizing this policy in a fair and consistent manner, respecting the employee's privacy and the confidentiality of medical information.

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### 5. Procedures

- a. Employee plans to return from work after an extended medical absence.
  - 1. ~~Employee is required~~ Manager/supervisor receives ~~to submit~~ medical certification from employee prior to his/her return to work ~~indicating that employee is able to return to work~~, with suggested accommodations, if applicable.
  - 2. Manager/supervisor ~~with assistance from Human Resources~~ determines whether or not employee can perform essential functions of the job with or without accommodation. ~~accepting suggested accommodations or developing alternative accommodations~~
  - 3. Manager/supervisor provides and employee utilizes accommodations
- b. A triggering event occurs when a manager/supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations may include, but are not limited to an employee's self-reports, manual dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, suicidal or threatening statements, change in personal hygiene, presence of condition likely to lead to food borne disease transmission, memory and/or odor of alcohol or marijuana.
  - 1. Manager/supervisor interviews employee, when possible.
  - 2. Manager/supervisor assesses magnitude of safety risk. Managers/supervisors ~~should~~ are encouraged to contact Human Resources ~~and~~ Payroll for assistance.
    - A. No risk: keep notes of event
    - B. Minor risk: ~~Difficulty in performing the essential functions of the position and a potential safety risk to self and others~~

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## Attachment 4

- I. ~~E~~ncourage employee to use Employee Assistance Program (see NDSU policy 134) or seek medical treatment;
- ~~B.~~ ~~II. D~~ocument event
- C. Significant risk: Unable to perform the essential functions of the position and is a safety risk to the self and others
- I. Contact University Police if appropriate
- II. Place employee on paid leave of absence (sick leave or paid administrative leave, depending on situation)
- III. Arrange for employee's safe transportation home if situation warrants
- IV. Refer employee to Employee Assistance Program
- ~~W.V.~~ Work with Office of Human Resources and Payroll to initiate a ~~or for~~ medical evaluation
- ~~V.VI.~~ Implement discipline, if appropriate
- ~~D. Severe risk:~~
- ~~I. Contact University Police~~
- ~~II. Place employee on paid leave of absence~~
- ~~III. Arrange for employee's safe transportation home~~
- ~~IV. Implement appropriate discipline~~

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## 6. Outcomes

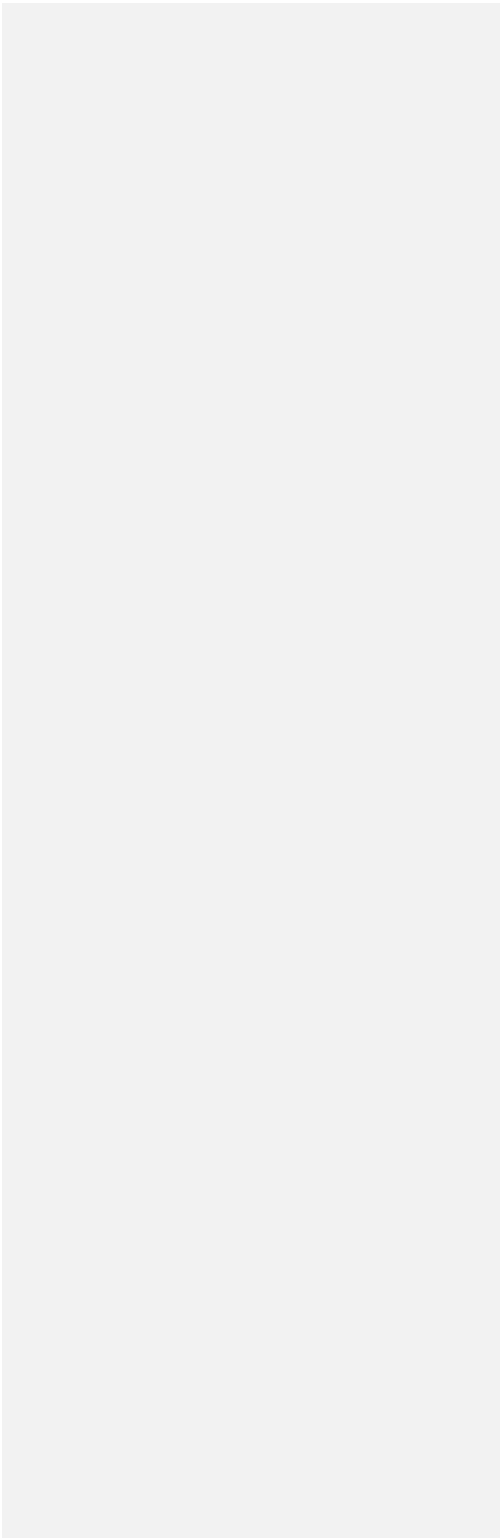
- a. Employees voluntarily seeking assistance for physical (including controlled substance, drug and alcohol abuse/addictions), mental, and/or emotional problems before their work performance or attendance is adversely affected will not have their employment status jeopardized for seeking assistance.
- b. Employees cooperating in a medical evaluation and in compliance with recommendations for medical, psychological and/or chemical dependence treatment may be returned to the job provided appropriate discipline, if warranted, has taken place.
- c. Employees posing a severe risk may be subject to discipline up to and including termination of employment.

### HISTORY:

New	May 15, 1972
Amended	May 12, 1986
Amended	April 1992
Amended	April 2000

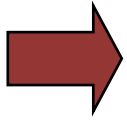
Attachment 4

Amended	April 2001
Amended	March 2002
Amended	October 2007



# Policy Change Cover Sheet

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## SECTION: **Policy 309 MINIMUM QUALIFICATIONS FOR INSTRUCTIONAL FACULTY 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**  
This policy is required by Higher Learning Commission (HLC is the regional accreditation agency that accredits NDSU as a degree granting higher education institution). Guidelines published in October 2015 and March 2016 state HLC's requirement that faculty members have "appropriate expertise in the subjects they teach." All HLC-accredited institutions must be in compliance with this requirement no later than Sept. 1, 2017.
  - Describe change: Instructional faculty can be qualified to teach based on a combination of academic and tested experience-based credentials. Specifically,
    1. Faculty teaching in undergraduate programs should hold a degree at least one level above that of the program in which they are teaching.
    2. Faculty teaching graduate courses or cross listed undergraduate/ graduate courses (400/600) should have earned a terminal degree.
    3. Tested experience qualifications should be established for specific disciplines and programs.
    4. The faculty hiring qualifications related to tested experience should be reviewed and approved through the faculty governance process.
2. **This policy change was originated by (individual, office or committee/organization):**
  - Faculty Senate Faculty Affairs Committee and Office of the Provost
  - Email address of the person who should be contacted with revisions: [canan.bilen.green@nds.edu](mailto:canan.bilen.green@nds.edu)

*This portion will be completed by Mary Asheim.*

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:** 2/27/17

**Faculty Senate:**

**Staff Senate:**

**Student Government:**

**President's Cabinet:**

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# North Dakota State University

## Policy Manual

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### SECTION 309

### MINIMUM QUALIFICATIONS FOR INSTRUCTIONAL FACULTY POLICY

SOURCE: NDSU President

#### 1. INTRODUCTION

- 1.1 In order to ensure high quality teaching and learning in its curricula, this policy establishes the minimum standards for ensuring all instructors of record are qualified to teach credit-bearing NDSU courses. A faculty member can be qualified based on a combination of academic and other credentials. For description of Academic Appointments see [Policy 350.1](#). In general all instructors will be judged primarily on the basis of earned degrees in a field or subject area relevant to the courses taught, obtained from academic institutions that are accredited by regional higher education associations and/or professional accrediting organizations.
- 1.2 In particular cases, a faculty member may be deemed qualified based on other credentials appropriate for a given course, which may include, but not limited to, licensure or certification; honors, awards and other recognitions; relevant work or teaching experience in the field; research record; or graduate level course work.
- 1.3 For all cases academic units are responsible for documenting and justifying the qualifications of its instructional faculty prior to appointment.

#### 2. GENERAL STANDARDS for INSTRUCTIONAL FACULTY QUALIFICATIONS

NDSU applies the following guidelines in establishing minimum credentials for teaching credit-bearing and developmental courses:

- 2.1 **Academic Qualifications.** Qualification to teach a given course is usually based on the faculty member's highest earned degree in the teaching discipline, with exceptions for areas where terminal degree is awarded at the Masters level and faculty possesses a doctorate in a related field.

For **undergraduate courses** (enrolling only baccalaureate students), faculty will be deemed academically qualified if they have earned a master's degree or higher in:

- the subject being taught;
- a closely related field, as defined by program/ academic department and accrediting body; or
- any discipline with at least eighteen (18) graduate credit hours in the subject being taught or a closely related field, as defined by the program/academic department.

For **general education** courses at the undergraduate level, faculty will be deemed academically qualified if they have earned:

- doctorate or master's degree in the teaching discipline; or
- master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

For **graduate courses** and for **cross listed undergraduate/ graduate courses** (400/600), faculty will be deemed academically qualified if they have earned a terminal degree in the subject being taught or in a closely related field as defined by program/ academic department and have a record of research, scholarship or achievement appropriate for graduate program.

- 2.2 **Tested Experience-based Qualifications.** If the academic qualifications articulated in 2.1 are not present, qualification to teach in a particular field must be based on other credentials which may include, but not limited to, licensure or certification; honors, awards and other recognitions; relevant work or teaching experience in the field; research record; or graduate level course work. Academic units must define minimum tested experience-based qualifications for their programs.

### 3. TO WHOM THIS POLICY APPLIES

This policy applies to all faculty members who teach courses, including tenured, tenure-track, non-tenure-track, part-time, visiting, and adjunct faculty. This policy does not apply to graduate teaching assistants who work under the direct supervision of a faculty member. *All graduate students assigned as instructors of record should have either a master's in the same discipline or have satisfactorily completed at least 18 graduate credit hours in the same discipline to that of instruction. Graduate student instructors of record must receive appropriate training prior to instruction.*

### 4. APPROVAL OF MINIMUM STANDARDS AND INSTRUCTIONAL FACULTY APPOINTMENTS

- 4.1 The academic units are responsible for reviewing and verifying the teaching qualifications for instructors of record, including graduate assistants who serve as instructor of record, adjuncts, visiting professors, and part-time academics, at the time of hire. Verification and validation must be conducted for each separate course taught. This process will occur prior to any instructor's initial appointment with the University, regardless of the mode of course delivery.
- 4.2 The academic units (chairs/heads/program directors working with program faculty) will define criteria (minimum academic and/or tested experience-based qualifications) that will be used to ensure that all individuals who are selected as instructional staff have the appropriate knowledge and expertise to teach courses for the program. Instructor of Record Qualifications determined by academic units for each program will be reviewed and approved through the regular faculty governance process. Approved Instructor of Record Qualifications will be kept on file at the department and college levels and consulted when appropriate. Any changes to the instructor of record qualification must be approved.
- 4.3 Faculty who are deemed qualified to teach based on credentials other than those approved academic and tested experience-based qualifications will be reviewed and approved on a case-by-case basis. Decisions to hire faculty under this provision will be relatively rare.

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HISTORY:

New \_\_\_\_\_, 2017

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### **SECTION: 123 Financial Conflict of Interest-Public Health Service and National Science Foundation Sponsored Research**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☒ Yes ☐ No
  - Describe change: This policy was written for PHS sponsored research. It has come to our attention that NSF requires the same SFI disclosures and reporting so we have added this language
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted Research Integrity and Compliance Julie Sherwood 1/25/2017
  - Email address of the person who should be contacted with revisions [j.sherwood@nds.edu](mailto:j.sherwood@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 2/27/17

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.policy.manual@nds.edu](mailto: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!

## Dakota State University Policy Manual

### SECTION 823

#### FINANCIAL CONFLICT OF INTEREST – PUBLIC HEALTH SERVICE, NATIONAL SCIENCE FOUNDATION OR OTHER APPLICABLE SPONSORED RESEARCH

SOURCE: SBHE Policy Manual, Section 611.4  
NDSU President

#### 1. INTRODUCTION

- 1.1. The US Public Health Service (PHS), National Science Foundation (NSF) and other applicable sponsors requires institutions to establish standards that promote the objectivity of research by ensuring that the design, conduct, and reporting of such research is free from any potential for bias resulting from Investigator financial conflicts of interest. Investigators should conduct their affairs as to avoid or minimize conflicts of interest, and must respond appropriately when conflicts of interest arise.
- 1.2. This policy governing financial conflict of interest applies to all Investigators funded by, or submitting proposals for funding to any agency of the PHS, except for Small Business Innovation Research (SBIR) Program Phase I applications. This exclusion does not apply to investigators submitting proposals to NSF. Investigators are required to disclose any external financial interests related to their NDSU responsibilities for review, and any required management, to ensure the design, conduct or reporting of the PHS research is not biased by a financial conflict of interest. Investigators of sponsored projects funded by any other external agency are referred to [NDSU Policy 151.1, External Activities and Conflicts of Interest](#) to address conflicts of interest, including financial.

**Commented [JS1]:** NSF requires this also so I am adding language throughout the document to indicate this.

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**Commented [JS3]:** SBIR/STTT is not excluded if applying for NSF funding.

#### 2. DEFINITIONS

- 2.1. **Administrative Head:** a Department Chair or Head, Dean, Director, Vice President, President or equivalent officer who has the primary authority for administering an administrative unit, and is responsible for solicitation and review of disclosures of Investigator's Significant Financial Interests (SFI) related to their institutional responsibilities, including interests of an Investigator's family members. When a conflict exists for an Administrative Head, refer the matter to the next level of administrative authority in the normal reporting lines. (See also in [Policy 151.1.](#))
- 2.2. **Conflict of Interest Advisory Committee (CIAC):** a committee comprised of five members recommended by the Faculty Senate Executive Committee and appointed by the President of the Faculty Senate. The CIAC shall serve as an advisory body to the University administration on conflict of interest issues, and shall also hear appeals of decisions in conflict of interest cases. (See also in [Policy 151.1.](#))
- 2.3. **Family:** any member of the Investigator's immediate family, including spouse, domestic partner, parents, siblings, and children.
- 2.4. **Financial Conflict of Interest (FCOI):** a Significant Financial Interest (SFI) that the University reasonably determines could directly and significantly affect the design, conduct or reporting of NDSU research.

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## Attachment 6

- 2.5. **Investigator's Institutional Responsibilities:** the Investigator's responsibilities associated with his or her institutional appointment or position, such as research, teaching, clinical activities, professional practice, institutional committee memberships and service on panels, such as an Institutional Review Board.
- 2.6. **Investigator:** the project director or principal investigator and any other person, regardless of title or position, who is responsible for the design, conduct or reporting of Research funded by the PHS, NSF or other sponsors, or proposed for such funding, which may include collaborators or consultants.
- 2.7. **Management:** taking action to address a Financial Conflict of Interest (FCOI), which includes a documented plan to reduce or eliminate the FCOI to ensure, to the extent possible, that the design, conduct or reporting of the project will be free from bias.
- 2.8. **Public Health Service (PHS):** the Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority of the PHS may be delegated. The components of the PHS include, but are not limited to, the Administration for Children and Families, Administration on Aging, Agency for Healthcare Research and Quality, Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention, Federal Occupational Health, Food and Drug Administration, Health Resources and Services Administration, Indian Health Service, National Institutes of Health, and Substance Abuse and Mental Health Services Administration.
- 2.9. **Research:** a systematic investigation, study, or experiment designed to contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research (e.g., a published article, book, or book chapter) and product development (e.g., a diagnostic test or drug).
- 2.10. **Retrospective Review:** a review of a financial interest that was either not disclosed, or not reviewed and managed by the University in a timely manner. The review is conducted to determine whether any PHS research conducted prior to the identification and management of the FCOI was biased in the design, conduct, or reporting.
- 2.11. **Significant Financial Interest (SFI):** anything of monetary value received or held by an Investigator or a Family member, whether or not the value is readily ascertainable, that reasonably appears to be related to the Investigator's Institutional Responsibilities. (Note: this exceeds the definition of SFI in [Policy 151.1](#)). SFI includes:
- 2.11.1. Salary or other payments for services (e.g., consulting fees, honoraria, or paid authorships for other than scholarly works) when the aggregated value received from a *publicly traded* entity during the 12 month period preceding the disclosure, and the value of any equity interest during the 12 month period preceding or as of the date of disclosure, exceeds \$5,000; or
  - 2.11.2. Salary or other payments for services, when the aggregated value received from a *non-publicly traded* entity during the 12 month period preceding the disclosure exceeds \$5,000; or
  - 2.11.3. Equity interests (e.g., stocks, stock options, or other ownership interests) in a non-publicly-traded company of any value during the 12 month period preceding or as of the date of disclosure; or

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## Attachment 6

- 2.11.4. Income related to intellectual property rights and interests (e.g., patents, trademarks, service marks, and copyrights) not reimbursed through NDSU; and
- 2.11.5. Reimbursed or sponsored travel that is related to Investigator's Institutional Responsibilities. This includes travel that is paid on behalf of the Investigator rather than reimbursed, even if the exact monetary value is not readily available. It excludes travel reimbursed or sponsored by U.S. Federal, state, or local governmental agencies, U.S. institutions of higher education, research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers.
- SFI does NOT include:
- 2.11.6. Salary, royalties, or other remuneration from NDSU;
- 2.11.7. Income from the authorship of academic or scholarly works;
- 2.11.8. Income from seminars, lectures, or teaching engagements sponsored by or from advisory committees or review panels for U.S. Federal, state or local governmental agencies; U.S. institutions of higher education; U.S. research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers; or
- 2.11.9. Equity interests or income from investment vehicles, such as mutual funds and retirement accounts, so long as the Investigator does not directly control the investment decisions made in these vehicles.

### 3. DISCLOSURE OF SIGNIFICANT FINANCIAL INTERESTS

3.1. Investigators must disclose all SFI related to their Institutional Responsibilities (or certify no SFI) by completing the [PHS SFI Disclosure Form](#) and submit it to their Administrative Head and Dean for initial review.

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3.1.1. [PHS, NSF or other sponsors](#) proposal submission. Investigators must have a current (within the last 12 months) [PHS SFI Disclosure Form](#) on file with the University prior to submitting a Research proposal to [PHS, NSF or other sponsors](#) as a principal or subrecipient Investigator. A copy of the [PHS SFI Disclosure Form](#) is routed with the Proposal Transmittal Form to Sponsored Programs Administration (SPA). (The disclosure does not require review by the Administrative Head and Dean until funding has been awarded, unless otherwise required under Policy 151.1.)

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3.1.2. Annual disclosure. Investigators participating in [PHS, NSF or other sponsor](#)-funded Research are required to submit to their Administrative Head and Dean an updated disclosure at least annually by submission of the [PHS SFI Disclosure Form](#). New investigators must disclose within 30 days of their initial appointment or employment. The disclosure must be reviewed, managed, and reported to [PHS, NSF or other sponsor](#) when necessary, within 60 days of employment.

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3.1.3. New SFI. Investigators participating in, or applying for [PHS, NSF or other sponsor](#)-funded Research are required to submit an updated disclosure within 30 days of discovery or acquisition (e.g., through purchase, marriage, or inheritance) of a new SFI. The disclosure must be reviewed, managed, and reported to [PHS, NSF or other sponsor](#) when necessary, within 60 days of identification.

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## Attachment 6

3.1.4. Travel. Investigators participating in, or applying for ~~PHS~~, ~~NSF or other sponsor~~-funded Research are also required to disclose any reimbursed or sponsored travel related to their Institutional Responsibilities as defined under 2.11.5 above. Such disclosures must include, at a minimum: the purpose of the trip, identity of the sponsor/organizer, destination, duration, and monetary value, if known. The Administrative Head determines if additional information is needed (e.g., the monetary value if not already disclosed) to determine whether the travel constitutes a FCOI with the Investigator's Research.

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### 4. REVIEW OF SFI DISCLOSURE

4.1. Prior to expenditure of ~~PHS~~ funds, the review and management of any FCOI must be complete, and a copy of the documentation forwarded to SPA. SPA will report any identified FCOI to the ~~PHS~~, ~~NSF or other applicable~~-agency. If the proposal does not result in an award, FCOI disclosures will be returned to the Administrative Head and Dean for further action if required under Policy 151.1.

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4.2. If the Investigator has certified that he/she has no SFI to disclose, the Administrative Head and Dean, if they are in agreement with the Investigator's disclosure, sign the ~~PHS~~ SFI Disclosure Form, acknowledging receipt and agreement, and sending a copy to SPA.

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4.3. When the Investigator has disclosed SFI, the Administrative Head and Dean must review the ~~PHS~~ SFI Disclosure Form(s) before the expenditure of funds. This review is to determine whether:

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4.3.1. The SFI reasonably appears to be related to the ~~funded PHS~~ Research (e.g., if the SFI could be affected by the ~~PHS~~ Research, or is in an entity whose financial interests could be affected by the Research); and

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4.3.2. The interest constitutes a FCOI (e.g., a SFI that may directly and significantly affect the design, conduct, or reporting of ~~PHS~~, ~~NSF or other sponsor~~-supported Research).

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4.4. If the SFI is either found to not be related to the ~~funded PHS~~ Research, or does not involve a potential FCOI, the Administrative Head and Dean sign the ~~PHS~~ SFI Disclosure Form, forwarding a copy to SPA; no further action is needed.

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4.5. If the SFI is determined to constitute an actual or apparent FCOI, the Administrative Head and Dean sign the determination, forwarding the ~~PHS~~ SFI Disclosure Form to the respective VP, Provost, or the CIAC for additional review and Management, as set forth in Section 5.

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4.5.1. Should the VP, Provost, or CIAC review result in a determination that no actual or apparent FCOI exists, the final determination is documented on the ~~PHS~~ SFI Disclosure Form, a copy is forwarded to SPA, and no further action is required.

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4.5.2. In the event the Dean, VP, Provost, or CIAC determines that the FCOI cannot be satisfactorily managed, NDSU will refuse the ~~PHS~~ award. The final determination is documented on the ~~PHS~~ SFI Disclosure Form, a copy is forwarded to SPA, and no further action is required.

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### 5. MANAGEMENT OF FINANCIAL CONFLICTS OF INTEREST

5.1. Prior to expenditure of ~~PHS~~ funds, the VP, Provost, or CIAC are responsible for development of a Management plan including conditions or restrictions to eliminate, reduce, or manage the FCOI. The Investigator, Administrative Head, and Dean may also be involved in drafting the plan, including conditions such as:

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## Attachment 6

- 5.1.1. Public disclosure of the conflict when publishing or presenting Research;
- 5.1.2. For human Research projects, disclosure of the conflict directly to participants;
- 5.1.3. Appointment of an independent monitor capable of taking measures to protect the design, conduct and reporting of the Research against bias resulting from the conflict;
- 5.1.4. Modification of the Research plan;
- 5.1.5. Change of personnel or their responsibilities, or disqualification from participating in all or a portion of the Research;
- 5.1.6. Reduce or eliminate the SFI; or
- 5.1.7. Sever relationships that pose a FCOI.
- 5.2. Upon review and consideration, the Management plan is documented in writing, including:
  - 5.2.1. Role and principal duties of the conflicted Investigator;
  - 5.2.2. Conditions of the Management plan;
  - 5.2.3. How the plan is designed to safeguard objectivity in the Research;
  - 5.2.4. Confirmation of the Investigator's agreement to the Management plan;
  - 5.2.5. How the plan will be monitored to ensure Investigator compliance; and
  - 5.2.6. Any other information relevant to the management of FCOI.
- 5.3. The Dean and the VP or Provost signs the Management plan, and appoints an individual to monitor the project until completion of the ~~PHS-funded~~ Research. SPA receives a copy of the approved Management plan, and reports all instances of FCOI to ~~PHS~~, ~~NSF or other sponsor~~, or the primary awardee institution, including applicable Management plans.
- 5.4. Where the Research involves human subjects, the Investigator provides a copy of the approved Management plan to the IRB for review with the IRB protocol. The IRB may impose additional, specific conditions or restrictions, where necessary, to ensure protection of the rights and welfare of research participants, but may not alter the Management plan finalized by the VP or Provost.

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## 6. TRAINING

- 6.1. Investigator training on FCOI, this policy, and their responsibilities regarding disclosure of SFI is:
  - 6.1.1. Recommended prior to submitting a Research proposal to the ~~PHS~~, ~~NSF or other sponsors~~;
  - 6.1.2. Required prior to expenditure of ~~PHS~~, ~~NSF or other sponsored funds~~;
  - 6.1.3. Required every 4 years during the period of award;

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## Attachment 6

6.1.4. Required immediately when the FCOI policy is revised, an Investigator is new to a PHS, NSF or other sponsor project, or an Investigator is not in compliance with the policy or Management plan.

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6.2. Online training modules shall be completed via [www.citiprogram.org](http://www.citiprogram.org). The principal Investigator of each PHS, NSF or other sponsor funded project ensures that all applicable individuals involved in the design, conduct or reporting of their Research complete training.

### 7. SUBRECIPIENT REQUIREMENTS

7.1. PHS, NSF and other sponsors requires the awardee institution take reasonable steps to ensure that any subrecipient complies with FCOI requirements.

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7.1.1. Subrecipient awards must specify whether the FCOI policy of NDSU, or that of the subrecipient will apply to the subrecipient's Investigators.

7.1.2. When the subrecipient's Investigators must comply with the subrecipient's FCOI policy, the subrecipient award will certify that the subrecipient's policy complies with PHS, NSF or other sponsors regulations, and specify the time period to report all identified FCOI to NDSU, in sufficient time to allow NDSU to report any FCOI to PHS, NSF or other sponsors prior to expenditure of funds by subrecipient.

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7.1.3. When the subrecipient's Investigators must comply with NDSU FCOI policy, the subrecipient award will specify the time period to report all SFI disclosures to NDSU, in sufficient time for review, management and reporting of any FCOI to PHS, NSF or other sponsors prior to expenditure of funds by subrecipient. In such a case, the subrecipient disclosure and review will follow the same process required by NDSU Investigators in Section 3 and 4.

### 8. APPEALS

8.1. If Research is determined to be subject to restrictions or conditions due to FCOI, the Investigator may appeal the decision to the Faculty Senate President, as described in [Policy 151.1](#). The CIAC serves to hear appeals of decisions in conflict of interest issues, and shall meet with the appellant Investigator within 15 working days of receipt of the appeal. If a member of the CIAC has any personal or working relationship with the appellant Investigator, that member should recuse him or herself and be replaced by another member appointed by the President of the Faculty Senate. More than one meeting may be scheduled to decide the case, if necessary.

8.2. The appellant Investigator has the right to call any witnesses and produce any evidence that could bear on a recommendation to allow the activity, as well as to have an advisor accompany him/her to any CIAC deliberations. The CIAC, however, will come to its conclusions and write its final recommendations in private. The recommendation to either uphold or change the original decision shall be sent to the appropriate Dean, VP, or Provost. If the CIAC finds that the original decision should be upheld, then a final appeal may be made to the President of the University. If the recommendation is to change the original decision, the Dean, VP, or Provost shall take appropriate action as he or she deems fit. All records of the proceedings shall be maintained on file in the office of the appropriate Dean, VP, or Provost for three (3) years. A copy of the final recommendations shall be provided to the appellant Investigator.

### 9. COMPLIANCE AND SANCTIONS

## Attachment 6

9.1. In the event an Investigator fails to disclose SFI, or the Institution fails to review the disclosure in a timely fashion, PHS, NSF and other sponsors requires the Institution to conduct a review within 60 days of knowledge of the failure. If the SFI is found to involve FCOI, an interim Management plan is required, as well as a report to PHS the sponsor by SPA.

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9.2. In the event a FCOI is not identified or managed in a timely fashion, or the Investigator fails to comply with terms of a Management plan, PHS, NSF and other sponsors requires that the Institution conduct a Retrospective Review. Within 120 days of identification of the noncompliance, the Dean, VP, Provost, or CIAC performs the review to determine whether the Research conducted during the period of noncompliance was biased in its design, conduct or reporting. The process and findings of the review are documented, and reported promptly to PHS the sponsor by SPA.

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9.3. If bias is found, the Institution is required to notify PHS, NSF or other sponsors promptly, and submit a mitigation report. The report is prepared with the assistance of the Investigator, Administrative Head, and Dean, and shall include a description of the impact of the bias on the Research project and the plan of action to eliminate or mitigate the effect of the bias.

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9.4. Violations of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and termination of employment at NDSU. In addition, any NDSU employee who has received financial benefit from transactions in violation of this policy shall be liable for repayment (to the appropriate entity) of all financial benefits resulting from such violation. Compliance with this policy may also be enforced through the exercise of administrative oversight of funded Research and management of NDSU facilities and other property. Such enforcement measures may include, but are not limited to:

9.4.1. Freezing Research funds or accounts;

9.4.2. Rescinding contracts entered in violation of this policy or state law; or

9.4.3. Bringing legal action for restitution to the appropriate entity or entities of the amount of financial benefit received by the NDSU employee as a result of the employee's violation of this policy.

## 10. REPORTING

10.1. Prior to expenditure of funds, SPA shall report all findings of FCOI to PHS, NSF or other applicable sponsor. The report shall include sufficient information to allow the agency to understand the nature of the conflict and appropriateness of the Management plan. It shall include:

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10.1.1. Project number; project director or principal Investigator;

10.1.2. Name of Investigator with the conflict, and the entity involved;

10.1.3. Nature of the financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium, etc.);

10.1.4. Value of the financial interest (dollar ranges are acceptable), or a statement that value is not readily determined;

10.1.5. Description of how the SFI relates to the funded PHS Research and the basis for determining that the SFI conflicts with the Research;

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10.1.6. Description of the key elements of the Management plan, as described above.

10.2. On an annual basis, SPA reports to ~~PHS~~, NSF or other sponsor the status of any previously identified FCOI, and any changes to the Management plan.

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10.3. SPA submits Retrospective Review and mitigation reports promptly to ~~PHS~~, NSF or other sponsors as necessary.

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## 11. RECORDS AND CONFIDENTIALITY

11.1. Records of all disclosures of SFI and of all actions taken to review and manage conflicts will be maintained by the respective Department or College until at least three (3) years after the later of the termination or completion of the award to which they relate, or the resolution of any governmental action involving these records.

11.2. The disclosure and supporting documents filed in compliance with this policy will be maintained as confidential to the extent possible under applicable state and federal requirements and the North Dakota Open Records Act. Whenever requests for such information are requested by any external entity, the individual will be notified.

## 12. PUBLIC ACCESSIBILITY

12.1. ~~PHS~~, NSF and other sponsors requires NDSU to ensure public accessibility of SFI information related to ~~PHS~~, NSF and other sponsored Research, including an obligation to respond to any requestor within five business days, with information concerning any SFI that meets all the following criteria:

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12.1.1. The SFI was disclosed and is still held by the senior/key personnel;

12.1.2. A determination has been made that the SFI is related to the ~~PHS~~-funded Research; and

12.1.3. A determination has been made that the SFI constitutes an FCOI.

12.2. The information to be made available shall include the Investigator name, title and role in Research, name of entity involved with the FCOI, nature of the interest, approximate dollar amount of interest, or statement that the value is not readily determined.

12.3. The information must be made available for a period of three (3) years from the date that it was most recently updated.

### HISTORY:

New	June 1995
Amended	October 1997
Amended	August 2007
Revised	August 23, 2012

The North Dakota University System (NDUS) has a crisis of confidence. Across the board budget cuts, consolidation efforts lacking any consideration of differences in mission amongst the eleven institutions, the apparent lack of consideration for long-term effects on higher education, and the lack of support of the institutions by the NDUS and the State Board of Higher Education (SBHE) have made it a near certainty that the system and institutions will be unable to continue to fulfill NDUS' mission and vision and the SBHE's beliefs and core values (SBHE Policies 100.4-5).

1. Students will be negatively affected through access to fewer courses, less attention from instructors and advisors, and fewer practical opportunities provided at these institutions, which are already not being supported by state-appropriated funds (*e.g.*, research, internships, and many other institution-sponsored outside programs and activities).
2. Employers both locally and statewide will be negatively affected in a multitude of ways, including not receiving the end-product of well-educated students who will ultimately make up their employee pool, students leaving the state for better opportunities elsewhere, and potential students not coming to North Dakota to be educated. Furthermore, this will also affect recruitment of business to North Dakota, as employers, employees, and their families will likely not want to live and do business in a state that values neither the training of a strong workforce nor the development of leading technologies and innovations.
3. Taxpayers and communities will be harmed by not receiving the best value for their tax dollars because of the lack of locally-educated students becoming part of the community as some of its best employees and citizens.
4. The state of North Dakota will be harmed by not diversifying its economy beyond the boom and bust cycles of agriculture and oil. Education, especially paired with companies built on technology and other dynamic products, is a powerful economic engine that can and does provide sustainable returns, as evidenced by these very institutions *consistently* providing high return-on-investment both locally and statewide.
5. The North Dakota University System is being harmed by damaging historically-strong supportive collaborations of NDUS institutions through forced unification and competition among the eleven institutions.

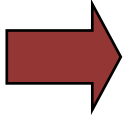
We, the NDUS faculty, call upon the State Board of Higher Education and the Chancellor to join us (the eleven institutions) to preserve a strong, vibrant, and forward-thinking higher education system by:

1. Supporting and advocating on behalf of the institutions that the SBHE and NDUS are supposed to represent, so that these institutions are able to continue to contribute positively to North Dakota's fiscal and civil bottom lines,
2. Reestablishing supportive collaborations between Presidents, the SBHE, and the Chancellor,
3. Giving due consideration to (and not disregarding) information presented to the members of the SBHE and the Chancellor from those actually on the ground maintaining the operation of those institutions (*i.e.*, the faculty, staff, and students),
4. Holding a Higher Education Summit with SBHE members, the NDUS Chancellor, the Governor, and Faculty, Staff, and Student representatives from each of the eleven institutions to discuss the value and future of higher education in the state and plan how identified goals might be achieved.



# 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](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

## SECTION: 163.2 ANTI-BULLYING 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:

*New policy regarding anti-bullying. The U.S. Department of Education released a letter October 26, 2010 addressing the reduction of bullying in educational settings.*

*Bullying occurs on university campuses, including NDSU. It is important to recognize bullying as unacceptable behavior and to provide a consistent process to address bullying on campus.*

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 (CSWF) / Daniel Friesner / 3/7/17
- Email address of the person who should be contacted with revisions: [daniel.friesner@nds.edu](mailto:daniel.friesner@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 3/20/17

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.policy.manual@nds.edu](mailto: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!

# North Dakota State University

## Policy Manual

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### SECTION 163.2

#### ANTI-BULLYING POLICY

SOURCE: NDSU President

1. North Dakota State University is committed to providing a climate that fosters respect for students, staff, and faculty, as well as others who participate in programs and activities at the University. We are committed to valuing diversity and treating all with fairness, dignity, and respect. As part of that commitment, NDSU prohibits bullying in all forms, and works to prevent bullying in the workplace, the classroom, and in programs and activities, both on and off campus. A victim of bullying does not have to be a member of a protected class listed in NDSU Policy 100.
  - 1.1 For purposes of this policy, bullying is defined as repeated and persistent offensive or intimidating verbal (written or oral) acts or conduct directed toward another or others that has the effect of one or more of the following:
    - 1.1.1 Placing an individual in reasonable fear of harm to the individual's person or property;
    - 1.1.2 Causing a detrimental effect on an individual's mental or physical health;
    - 1.1.3 Substantially interfering with an individual's academic and/or work performance;
    - 1.1.4 Substantially interfering with an individual's ability to participate in or benefit from the services, activities, or privileges provided by the institution; or
    - 1.1.5 Interfering with the targeted individual's right to dignity at work, including retaliation for reporting bullying behavior.

Note: Bullying by electronic means is prohibited under NDSU Policy 158 and N.D.C.C. § 12.1-17-07.
  - 1.2 It is not bullying when a supervisor notes unsatisfactory performance or misconduct; institutes proceedings for workplace sanctions, nonrenewal, or dismissal for cause; or provides feedback regarding work behavior or performance.
2. The University recognizes that in most cases the best and most desirable resolution for all involved is through early, informal action before substantial bullying occurs. Supervisors must take steps to ensure that the environment for which they are responsible is free from bullying behaviors. Anyone who feels he/she has been the subject of bullying is encouraged to report the situation to a supervisor before it becomes severe or pervasive. If the immediate supervisor is the accused bully, the individual should go to the next supervisor in the leadership structure.
3. Anyone who makes a report in good faith shall be protected against retaliation of any kind. If there is retaliation in response to a good faith report, the retaliator shall be subject to discipline or

dismissal. See policies 156 (Discrimination, Harassment, Retaliation, and Complaint Procedures), 162 (Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy), 163 (Anti-Harassment), and 603 (Sexual Misconduct and Title IX Compliance).

- 3.1 To the extent possible, the University will maintain the confidentiality of anyone who reports an alleged violation of this policy, as well as those accused.
- 3.2 If an individual is found to have knowingly and purposefully made a false allegation of bullying, that individual will be held accountable, and appropriate remedial action shall be taken as determined by the individual's supervisor, in consultation with the appropriate Provost and/or Human Resources.

## PROCEDURES

### Informal

#### **NDSU Staff & Faculty**

Where possible, an attempt should be made to address conflict or disrespectful behavior directly with the accused person, either in writing or in person, before the behavior escalates (through repeated, targeted conflict or disrespectful behavior) to bullying or the alleged victim of bullying can bring the concern to a supervisor, whose responsibility is to maintain a safe workplace.

- A. An individual who has experienced disrespectful behavior should explain clearly in detail to the accused person(s) that the behavior(s) in question are offensive and unacceptable so the accused person(s) can understand why the individual is upset or offended. This communication may be oral or written.
- B. In circumstances where an individual finds it difficult to approach the alleged bully directly, he or she may seek help, advice, and services from the campus Ombudsperson or a supervisor. In addition, the individual may request assistance from the Ombudsperson in raising the issue with the alleged bully. The individual may also contact the office of Human Resources if the situation involves NDSU staff members. If the situation involves NDSU students, an individual may seek assistance with the Dean of Students. If the issue involves discrimination based on gender or other protected classes, members of the faculty and staff should also contact the Equity Office and the Title IX Coordinator. If those options have been exhausted or if the individual feels unsafe in using those options, then the individual may use the formal reporting procedure below.
- C. Witnesses of bullying are encouraged to speak with the person bullied, the person who is bullying, their supervisor, or with the Ombudsperson. If those options have been exhausted or if the witness feels unsafe in using those options, then the witness may use the formal reporting procedure below.

### Formal

If the informal process is insufficient or inappropriate, the individual or witness may proceed to the formal process. At this point, the individual is called the complainant, and the accused is called the respondent.

- A. Staff member complainants should submit their complaints to the Office of Human Resources and Payroll, which will follow the grievance procedures listed in NDSU Policy 230. Faculty complainants should submit their complaints to the Office of the Provost, which will follow the grievance procedures listed in NDSU Policy 353.

- B. The office receiving the complaint (HR or the Office of the Provost) shall review the complaint and may refer the matter to the appropriate Vice President or supervisor. Review and initial action will occur within 10 working days of receipt, at which time the respondent shall be notified in writing of the allegations. The respondent will be given a copy of the complainant's statement and have the opportunity to respond to the allegation in writing within 10 days of receipt of the complaint.
- C. After receiving the response from the respondent, the Director of Human Resources and Payroll or the Vice Provost for Faculty and Equity, as applicable, will determine whether an investigation is necessary or whether the situation can be resolved in another manner. Response to an alleged violation of this policy will be handled within the time frames delineated by campus grievance procedures.
- D. If, after an investigation, it is determined that a violation of this policy has occurred, immediate and corrective action will be taken. Discipline and remedial measures will be appropriate to the offense and circumstances surrounding it, and may include a letter of reprimand, apology to the complainant, mandatory remedial education or counseling; ineligibility for merit pay; suspension, or dismissal. Considerations in determining disciplinary and remedial measures may include academic or work history, previous proven breaches of this policy, relationship of the parties, the number and seriousness of incident(s), their impact on the complainant, and the respondent's intent.
- E. The complainant may withdraw the complaint at any time. The process of investigation, decision, and penalty may continue after the complaint is withdrawn, at the discretion of the President, the Provost, or the appropriate Vice President.
- F. The Office of Human Resources and Payroll and the Office of the Provost will track all bullying complaints filed to ensure trends are captured in the reporting of bullying on campus without identifying information of complainants, witnesses or accused individuals.

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HISTORY:

New \_\_\_\_\_

**NDSU Faculty Senate Agenda**  
May 8, 2017  
Prairie Rose Room, Memorial Union

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- I. Call to order
- II. Attendance
- III. Approval of agenda
- IV. Approval of previous meeting minutes from April 10, 2017
- V. Consent agenda
  - a. Policy Updates (**attachment 1**)
    - 133
    - 134.2
  - Housekeeping changes only:*
    - 103
    - 103.1
    - 130
    - 143
    - 157
    - 712
- VI. Announcements
  - a. Dean Bresciani, President
  - b. Beth Ingram, Provost
  - c. Katie Gordon, Faculty Senate President
  - d. Stuart Haring, Faculty Senate President-Elect
  - e. Jim Osland, Staff Senate President
  - f. Amelia Pfarrer and Brendan Curran, Student Government Representatives
- VII. Senate Committee Reports
  - a. Budget Committee
  - b. Council of College Faculties
  - c. University Curriculum Committee - Discussion (**attachment 2**)
- VIII. Unfinished Business
  - a. Policy 161 - Human Resources (**attachment 3**)
- IX. New Business
  - a. Election of Faculty Senate President-Elect
    - i. Erin Gillam, nominated by Warren Christensen (**attachment 4**)
    - ii. Florin Salajan, nominated by Dennis Cooley (**attachment 5**)
  - b. Student Senate Resolution – Calla Harper (**attachment 6**)
  - c. Legislative Issues Faculty Senate Committee
  - d. Resolution to Support Gender Diversity on Campus – Equity & Diversity Committee (**attachment 7**)
  - e. Proposed revision to 352 from the Faculty Affairs Committee (**attachment 8**)  
**NOTE: This is for feedback only. There will not be a vote on it.**
  - f. Passing of the Gavel

X. Adjourn

## 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](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

### SECTION: **133 Educational Policy**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes ☐ No
  - Describe change: The changes clarify and further align with SBHE Policy 820 which was amended on May 1, 2016 and with NDUS Procedure 820.1 which was amended on May 1, 2016.
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted:
  - Karin Hegstad – Customer Account Services
  - Colette Erickson – Human Resources and Payroll
  - Email address of the person who should be contacted with revisions:
  - [Karin.Hegstad@nds.edu](mailto:Karin.Hegstad@nds.edu), [Colette.Erickson@nds.edu](mailto:Colette.Erickson@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 4/10/17

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.policy.manual@nds.edu](mailto: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!

# North Dakota State University

## Policy Manual

### SECTION 133

#### EDUCATIONAL POLICY

SOURCE: SBHE Staff Human Resources Policy Manual  
SBHE Policy Manual, Section 820.243

The North Dakota State Board of Higher Education encourages ~~its~~ the employees within the North Dakota University System to pursue a program of continuing education.

1. For courses taken at the request of the employee, institutions shall waive or provide tuition assistance for benefited employees, limited to three approved for-credit undergraduate or graduate courses during each calendar year, in any combination of subsections 1 and 2 as follows:
  - 1.1 For courses taken at the campus of employee-employment regardless of delivery type: 100% tuition and fee waiver is provided, with the exception of the CND, NDSA, program and course fees which shall be paid by the employee.
  - 1.2 For courses taken at another NDUS campus, other than the campus of employment, regardless of delivery type: a system-wide fixed 50% employer paid tuition assistance, with the- employee paying the remaining 50% of tuition and 100% of all fees.
2. This educational benefit is available to benefited employees as defined in SBHE Policy 703.2. Employees who are eligible for this educational benefit are not eligible for the graduate assistant tuition waiver ~~absent exceptional circumstances.~~
3. Employees may be released from work for one face-to-face regular class sessions for one academic class per semester with approval of the employee's immediate supervisor and/or department head. Approval may be granted if it does not interfere with completion of the employee's essential job duties and the essential work of the institution.
4. ~~This policy is applicable to any degree eligible and remedial courses, regardless of delivery or instruction mode system, for NDSU employees only. This includes, but is not limited to, self support and online courses, that would be normally accepted toward a degree program. For these types of courses, the policy does not apply to employees of other institutions or of the university system.~~
  - 4.1 ~~Waivers cannot be used for third party provided curriculum where NDSU directly pays full or partial tuition collected to the third party sponsored, grant funded, consortium programs such as the Great Plains IDEA consortium, study abroad, study tour, or remedial professional development courses which do not result in the award of college credit.~~
5. Release time may be granted only for the amount of time required to attend the regular class session. Field trips and outside class activities are not included.
6. ~~The waiver-tuition assistance benefit is applicable to all North Dakota University System institutions of higher education, and~~

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~~6.7.~~ The waiver benefit is available to NDSU employees taking classes through the Tri-College University Course Exchange. Classes taken through the Tri-College University Course Exchange by employees of other ND University System institutions are available for the 50% tuition assistance benefit paid by the employee's institution to NDSU, subject to approval by the employee's institution.

~~7.8.~~ Regular employees, who are not North Dakota residents, may receive a waiver from the non-resident portion of tuition requirements for courses beyond the three classes per calendar year. All benefited employees are eligible for the North Dakota Resident tuition rate, regardless of receiving the waiver or tuition assistance benefit. It is the employee's responsibility to ensure ND resident tuition rates are assessed.

~~8.9.~~ **Procedure:**

~~9.1.~~ The employee must obtain initial approval for this educational benefit from his/her immediate supervisor and/or department head, and final approval from After the initial approval is obtained, the Human Resources and Payroll Office will review to ensure the employee is eligible as a benefitted employee. The Customer Account Services office will review the educational benefit for course and waiver exclusions, and will process the tuition waiver or tuition assistance benefit.

~~8.9.1.1~~ To obtain a tuition waiver or tuition assistance benefit, employees must complete the standard "NDUS Employee Tuition Waiver or Assistance" form which is available in the Human Resources and Payroll Office.

~~8.9.1.2~~ The request for a tuition waiver or tuition assistance must be submitted and approved prior to the beginning of the class for which the waiver benefit is requested.

~~8.9.1.3~~ No employee who has an overdue accounts receivable balance with the University may receive a tuition waiver or tuition assistance.

~~9.1.4~~ The benefit will be considered used if the employee is enrolled in the course past the 100% drop date. If the employee does not remain enrolled in the course past the 100% drop date and wishes to use the benefit towards a new class, it is the employee's responsibility to notify the Human Resources and Payroll office.

~~8.9.2~~ Upon approval, employees are responsible for registering for classes through regular admission/registration procedures.

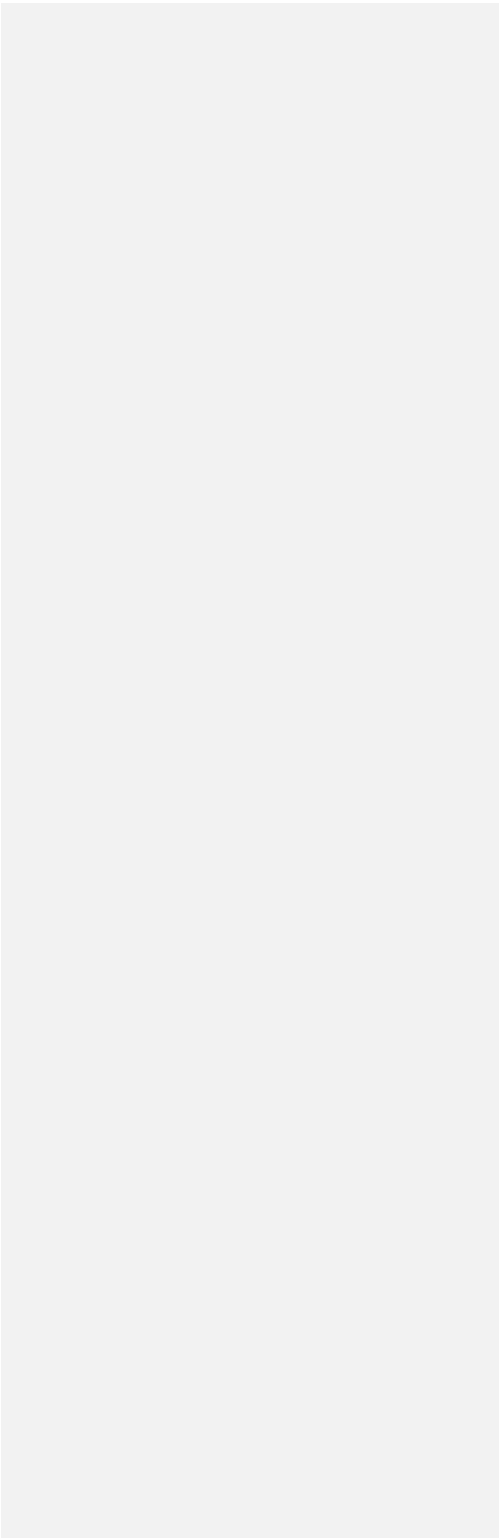
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HISTORY:

New	July 1990
Amended	April 1991
Amended	November 1992
Amended	January 1994
Amended	January 1996
Amended	February 1996
Amended	August 1997
Amended	February 1998
Amended	August 1999
Amended	October 2000
Amended	April 2002
Amended	May 2003

Attachment 1

Amended	February 2006
Amended	February 2009
Amended	October 18, 2010
Housekeeping	January 2011
Housekeeping	November 8, 2011
Amended	October 19, 2015



## Policy Change Cover Sheet

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### SECTION:

### 134.2 NDSU Lactation 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
  - Describe change: This is a new policy, related to all employees at NDSU, establishing family-friendly workplace guidelines in support of new mothers who wish to express breast milk during work hours. The policy is based on federal requirements; the Patient Protection and Affordable Care Act (PPACA) Section 4207 amended the Fair Labor Standards Act, Section 7.
  - Version 2 changes include:
    - o Opening paragraphs stating NDSU commitment to, and benefits of, family-friendly policies like 134.2
    - o Opening paragraphs outlining expectation that employee will request flexibility in time from supervisor
    - o Opening paragraphs outlining expectation that supervisor will work with employee
    - o Added language about "breastfeeding and expressing breast milk" throughout policy
    - o 1.1 – added "at least" to the previous one year guideline
    - o 1.1.1 – added "shall be reviewed" by supervisor
    - o 1.3 – added "or near" regarding lactation space locations
    - o 2.1 – added language regarding need for supervisor flexibility with non-exempt employees in terms of break times for breastfeeding/expressing breast milk, especially due to travel time frequently required for employee to reach designated lactation rooms.
2. This policy change was originated by (individual, office or committee/organization):
  - Human Resources/Payroll and Equity Office 2/21/2017
  - [Kara.Gravley-Stack@nds.edu](mailto:Kara.Gravley-Stack@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 4/10/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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# North Dakota State University Policy Manual

## SECTION 134.2 LACTATION POLICY

SOURCE: NDSU President

As part of our family-friendly policies and benefits, NDSU supports breastfeeding ~~mothers-employees~~ by accommodating the ~~mother-employee~~ who wishes to breastfeed or express breast milk during ~~her~~ the workday. ~~when separated from her child.~~ NDSU recognizes that supportive breastfeeding policies and practices in the workplace not only benefit the employee but also benefit the child and the employer. Employer benefits include greater workplace productivity, increased organizational loyalty, and increased job satisfaction. Breastfeeding employees experience higher productivity, fewer distractions, lower absenteeism to care for an ill child, and a lower risk of developing breast and ovarian cancer or diabetes. Babies experience immediate and long-term benefits from breastfeeding including better immune system development and tend to have fewer and less severe short-term illnesses and chronic illnesses.

Any employee who wishes to breastfeed or express breast milk in the workplace shall notify the supervisor and discuss any relevant workload or scheduling issues.

~~4.~~ Supervisors are encouraged to work with their employees and within policy requirements to accommodate an employee who wishes to breastfeed or express breast milk.

~~2.1.~~ NDSU shall provide:

~~2.1.1.~~ Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for breastfeeding or expressing ~~on of~~ breast milk for at least one year after child's birth;

~~2.1.1.1.~~ After one year of child's birth, continued breaks and work patterns to accommodate breastfeeding or expressing ~~on of~~ breast milk ~~may shall~~ be reviewed and agreed upon with employee's supervisor;

~~2.2.2.~~ A convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breastfeeding or expressing breast milk;

~~2.3.1.3.~~ A convenient, clean, and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in or near the private location.

~~2.~~ NDSU shall not be required to compensate an employee receiving reasonable break time for any work spent breastfeeding or expressing breast milk. ~~for such purpose.~~

~~2.1~~ Travel time to a lactation room must be considered and may extend the reasonable break time. Supervisors may permit extensions for reasonable break time with options that may include alternate start/stop times to the workday, rearranging break periods, and flexible scheduling. For non-exempt employees, supervisors will need to allow flexibility for employees to be able to earn all paid hours.

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## Attachment 1

NDSU has the following lactation rooms and support resources available for nursing mothers:  
<https://www.ndsu.edu/equity/pregnancy/>

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HISTORY:

New \_\_\_\_\_, 2017

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

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes ☒ No
  - Describe change: Housekeeping changes as follows:
    - o Correct language from "lies" to "lie" (1.6.4)
    - o Change title from Vice Provost for Advancement to Faculty to Vice Provost for Faculty and Equity (2.2.4.4)
    - o Change title from Vice President for Equity, Diversity, and Global Outreach to Vice Provost for Faculty and Equity and from Vice President to Vice Provost (3)
    - o Fix formatting problems in line spacing
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted – Provost Office/Kara Gravley-Stack/ 3/16/17
  - Email address of the person who should be contacted with revisions – [Kara.Gravley-Stack@nds.edu](mailto:Kara.Gravley-Stack@nds.edu)

*This portion will be completed by Mary Asheim.*

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## North Dakota State University

### Policy Manual

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#### SECTION 103

#### EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENINGS

SOURCE: NDSU President

This policy addresses requirements and procedures for position openings. Regardless of the position announcement procedures that are followed, all employment decisions within the University are subject to equal opportunity laws and regulations and NDSU's Equal Opportunity and Non-Discrimination [Policy 100](#). For equal opportunity purposes, all appointments to payroll budget positions and equivalent positions supported by non-appropriated funds are subject to the search, recruiting, and hiring processes in Sections [202](#) and [304](#) of this manual.

Section 1 pertains to staff positions. Section 2 pertains to faculty and executive/administrative positions. Section 3 pertains to all positions.

#### STAFF

1. Staff (as defined in [NDSU Policy 101.1.1](#) generally referred to as "broadbanded employees" include those positions in the following job band: 1000, 3000, 4000, 5000, 6000, and 7000).
  - 1.1 If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced throughout the appropriate recruiting area as defined in Section [200](#) of this Manual.
  - 1.2 Generally speaking, the recruiting areas are as follows for staff positions:
    - 1.2.1 Administrative/managerial positions in the 1000 band: national.
    - 1.2.2 Professional positions in the 3000 band: regional.
    - 1.2.3 Technical/Paraprofessional (4000); Office Support (5000) Crafts/Trades (6000); and Services (7000): local (Fargo-Moorhead community and/or surrounding counties as applicable).
  - 1.3 When a benefitted staff position vacancy occurs and there is a pool of regular employees appropriately qualified for transfer or promotion (including former employees covered by Reduction in Force policy [Section 223](#)), a unit supervisor may choose to advertise a vacant position internally for a minimum of five working days prior to initiating an external search. The procedures, which involve utilizing the online application system for these internal searches, will be the same as those external searches as mentioned in subsection 1 (see Section [202](#)). The Human Resources/Payroll Office, in consultation with the unit supervisor, will be responsible to determine whether a pool of appropriately qualified employees exists.
  - 1.4 If the appointment is either less than .50 FTE or clearly stipulated to be for a total duration of less than twenty weeks (non-benefitted), no formal position announcement posting to the online employment application system is required. Unit supervisors are, however, encouraged to announce benefitted positions. The announcement may be distributed within

## Attachment 1

the University to the eligible staff of the particular administrative unit involved. Affirmative action efforts must still be undertaken to ensure that qualified minority individuals, females, and individuals with disabilities are included in the applicant pool. Proof of affirmative action efforts will be required, such as documentation reflecting an open announcement to all eligible staff of an appropriate unit or adequate written documentation on why the candidate is being selected for the opportunity without an announcement to the appropriate unit. Distributing the position announcement to the other Tri-College University institutions or within the Fargo-Moorhead community is also encouraged.

- 1.5 Recruitment for all benefitted staff positions in the 1000 and 3000 bands shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees.
  - 1.5.1 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists of the individual to fill the position is the responsibility of the unit administrator. A member of the Human Resources shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.
- 1.6. Although unit leaders are encouraged to post throughout the University any staff position that offers an important promotional opportunity to employees in other departments, the formal procedures for filling positions that involve utilizing the online application system for job announcements (see Sections [202](#) for broadbanded positions and [304](#) for non-banded) shall be optional in the following cases. (Whenever an appointment is based on one of the following options, the request to recruit must be completed online for benefitted positions and the specific option should be noted in the appropriate section of the online request to offer or on the NDSU [Change Form \(101\)](#) with relevant documentation attached.)
  - 1.6.1 Timeslip employment that is not identified as a payroll budget appointment.
  - 1.6.2 The transfer or promotion of an employee within a department or office, provided that the employee is fully qualified for the new position and was originally hired through a competitive search. This exception excludes faculty positions. This option is governed by [NDSU Policy 240](#) which provides procedures and the requirement of the hiring department to obtain permission from the Director of Human Resources/Payroll who will review for appropriateness of the promotion including equitable issues.
  - 1.6.3 When there is concurrence by the hiring department, reassignment due to:
    - 1.6.3.1 An injury resulting in worker's compensation award and subsequent retraining; or
    - 1.6.3.2 A reduction-in-force.
  - 1.6.4 When an employee, at time of hire or within two years of employment, has a spouse or partner who is fully qualified and interested in a university position. (Please note the responsibilities lie with the employed spouse/partner's unit supervisor to encourage the spouse/partner to locate positions that they feel they are fully qualified for and make an appointment with a staff member in Human Resources/Payroll Office and/or with the head/chair of the appropriate unit to review



the spouse's/partner's education and experience. The hiring department will make the final hiring decision.

- 1.6.5 At the request of the appropriate supervisor, the reinstatement of a former NDSU employee who has left his/her employment within the previous nine (9) months, provided that:
  - 1.6.5.1 The employee had a satisfactory performance record; and
  - 1.6.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and
  - 1.6.5.3 The position is within the department where he/she worked at the time of resignation.
- 1.6.6 The appointment of an employee to fill a vacant administrative position on an acting basis, normally for a period not to exceed one year, while a search is being conducted for a regular appointee.
- 1.6.7 With prior approval, the temporary appointment of a person to a grant-funded position when the individual has been instrumental in the development of the project or is identified by name in the proposal as having unique expertise necessary to the project. This temporary appointment may not be continued beyond the period of the grant project, and the individual may not be transferred to any other University appointment without an appropriate search.

Note: To use this option, proposal writers should indicate their intention on the transmittal form and provide a letter of explanation when the proposal is submitted to the Office of Sponsored Programs Administration. Those submitting proposals for internal funding that are not reviewed in Sponsored Programs Administration should contact the Office of the Provost prior to submitting the proposal.
- 1.6.8 An externally funded appointment as a broadbanded research professional in a department where the individual has just completed an NDSU graduate degree and the assignment involves continuation of the research used for the individual's thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

#### Faculty and Executive/Administrative Staff

2. Executive/Administrative (primarily in 0000 job bands) and benefitted Academic Staff (in 2000 band – bands are defined in [NDSU Policy 101.1.2](#)), generally referred to as “non-banded employees,” include such positions as tenured and tenure-track faculty and deans. Recruitment falls under two primary categories: half time or less or interim (2.1) and more than half time (2.2).
  - 2.1 Titled and/or Compensated Positions (Less Than .50 FTE or Interim)

If the appointment is less than .50 FTE or stipulated to be for less than twenty weeks, the titled or compensated position shall be announced internally within the unit (and to other relevant internal units as appropriate to the position). The unit supervisor must ensure transparency and equal opportunities for individuals to learn about and apply for the positions. This means the unit supervisor must announce the position to appropriate unit(s)

## Attachment 1

internally and accept applications for at least ten working days. Documentation of the announcement and review of applications must be provided to the Office of the Provost before the position is offered so the Office of the Provost can ensure compliance with this policy. Even when using internal searching, for any positions that come with fringe benefits, the formal search process detailed in [Policy 304](#) must be followed.

### 2.2 Equal to or Greater Than .50 FTE, Non-Interim Positions

If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced throughout the appropriate recruiting areas as defined in [Section 103.1](#) of this Manual (with the exception of graduate level degree seeking students).

#### 2.2.1 Generally speaking, the recruiting areas are:

2.2.1.1 Executive/Administrative positions in the 0000 band: national.

2.2.1.2 Benefitted Academic staff such as tenure/tenure track faculty in the 2000 band: national.

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

2.2.2 Recruitment for all benefitted executive/administrative and academic staff positions (all those in the 0000 and 2000 job bands) shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees. [NDSU Policy 339](#) requires for every faculty recruiting committee to include faculty from the unit and at least one student. A unit may wish to include both an undergraduate and a graduate student on the committee.

2.2.3 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists is the responsibility of the unit administrator and is based on the recommendation of the search committee. The Vice Provost for Faculty and Equity, or designee shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.

2.2.4 Exceptions to searches for benefitted executive/administrative, and academic and professional broadbanded staff positions listed (greater than .50 FTE and longer than 4 months) are limited to the following:

2.2.4.1 The transfer of an academic staff member from a lecturer line to a probationary appointment as outlined in the employee's original contract provided that he or she had secured the appointment on a nationally competitive basis.

2.2.4.2 An externally funded appointment as a postdoctoral fellow, research scientist, or broadbanded research professional in a department where the individual has just completed an NDSU graduate degree and the

## Attachment 1

assignment involves continuation of the research used for the individual's thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

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

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

- 2.2.4.4 When a faculty member has a spouse or partner who is fully qualified and interested in a university position, a dual career exception to the search process may be made. The department or unit administrator is responsible to contact the Vice Provost for [Advancement of Faculty and Equity](#) as soon as possible. Hiring a spouse or partner depends upon the qualifications of the spouse or partner, the availability of a suitable and acceptable position in each case, and is subject to the approval of the department or unit into which the spouse or the partner will be hired, following an interview process within that unit. For positions in the 0000 job band and positions in the 2000 job band not defined as faculty, 1.6.4 applies.

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

- 2.2.4.5.1 The employee had a satisfactory performance record; and
- 2.2.4.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and
- 2.2.4.5.3 The position is within the department where he/she worked at the time of leaving.

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

- 2.2.4.6.1 An injury resulting in worker's compensation award and subsequent retraining; or
- 2.2.4.6.2 A reduction-in-force.

All Positions

3. Exceptions to this policy may be authorized by the President in unique circumstances. A written request for the Presidential exception is initiated by the hiring department and forwarded through the appropriate supervisory line to the unit's dean or director. If there is support from the dean or director, the request is forwarded to the Provost or the appropriate vice president. If the request is supported by the vice president after consultation with the Vice ~~President Provost~~ for ~~Faculty and Equity, Diversity, and Global Outreach~~ and the unit's dean and director, it is forwarded by the Provost or Vice ~~President Provost~~ to the President for consideration.

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HISTORY:

New	May 15, 1978
Amended	February 6, 1979
Amended	April 21, 1981
Amended	November 13, 1989
Amended	September 24, 1991
Amended	April 1992
Amended	August 1993
Amended	December 1994
Amended	May 4, 1999
Amended	October 2001
Amended	October 2004
Amended	April 2005
Amended	October 2006
Amended	October 2007
Amended	May 2008
Housekeeping	September 2009
Housekeeping	July 2010
Amended	October 2010
Housekeeping	December 2010
Housekeeping	March 2011
Amended	September 30, 2012
Amended	February 4, 2014
Housekeeping	March 20, 2014
Amended	April 24, 2014
Amended	December 12, 2014
Housekeeping	June 4, 2015
Housekeeping	April 14, 2016

## 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](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

**SECTION:** **103.1 Recruitment for executive/administrative/managerial, academic staff and other non-banded positions (0000, 1000, and 2000 positions)**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes
  - Describe change: Updating language of EEO/AA statement – long form and short form – that are published on all job announcements
2. This policy change was originated by (individual, office or committee/organization):
  - Office of Vice Provost for Faculty and Equity – 12/7/2016
  - [Kara.Gravley-Stack@nds.edu](mailto:Kara.Gravley-Stack@nds.edu)

*This portion will be completed by Mary Asheim.*

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: 4/10/17

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.policy.manual@nds.edu](mailto: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!

## North Dakota State University Policy Manual

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### SECTION 103.1

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

SOURCE: NDSU President

##### 1. Recruitment Areas

- 1.1 Generally, all full-time executive/administrative/managerial, academic staff and other non-banded positions require a national search. Based on the source of funding, salary ranges, and local availability, however, some of these positions require only a regional search (a wider search is always an option, if the hiring official wishes). EXCEPTIONS to the national search requirement for these types of positions include:
  - 1.1.1 **2000 level:** lecturer, assistant coach, assistant experiment station specialist, Extension district directors, Extension area specialists, and Extension field staff.
- 1.2 Regular, part-time payroll positions (without regard to the funding source) require only a local search.

##### 2. Recruitment Methods

- 2.1 Recruitment is a critical function for an effective equal opportunity/affirmative action employment program because increased diversity in the applicant pool is essential in order to increase the diversity of people actually employed. With this objective in mind, some potentially fruitful recruitment channels include:
  - 2.1.1 Advertisements in appropriate professional journals and job registries and/or in The Chronicle of Higher Education. Publications which solicit advertisements on the basis of direct minority circulation are generally not a required method for recruiting; however, if applicant pools consistently lack diversity, a publication such as Affirmative Action Register should be considered.
  - 2.1.2 Regional or national meetings of professional organizations and associations; women's and minority caucuses associated with professional groups are especially helpful and important.
  - 2.1.3 College/University academic departments and placement offices especially at institutions where the student body is composed primarily of women or racial/ethnic minorities.
  - 2.1.4 Industries, government, independent research institutions, etc., where racial/ethnic minorities or women are professionally engaged.

Recruitment (placement of advertisements, position announcement mailings, etc.) for administrative and academic positions is the responsibility of the hiring department. Once the Request to Recruit is approved, and posted online, it also is posted by Job Service North Dakota. A notice for staff positions requiring a minimum qualification of a bachelor's degree may be sent to the NDSU Career Center for their listing.

Attachment 1

All recruitment information should include one of the following statements:

- ~~North Dakota State University is an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, age, disability or veteran status or~~
- ~~NDSU is an EEO/AA M/F/Vet/Disability Employer.~~
- NDSU does not discriminate in its programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, participation in lawful off-campus activity, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, or veteran status, as applicable. Direct inquiries to: Vice Provost, Title IX/ADA Coordinator, Old Main 201, 701-231-7708, [ndsueoaa@ndsuhdu](mailto:ndsueoaa@ndsuhdu).
- NDSU is an equal opportunity educator and employer. Visit [ndsuhdu.edu/equity/](http://ndsuhdu.edu/equity/) or call 701-231-7708 for more information.

**Commented [KG1]:** These statements are out-of-date and incomplete.

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The following additional language may be added to either option above:

- Women & traditionally underrepresented groups are encouraged to apply.

HISTORY:

New	July 1990
Amended	April 1992
Amended	March 2001
Amended	October 2007
Housekeeping	May 2010
Amended	December 27, 2010
Amended	December 10, 2014

## Policy Change Cover Sheet

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### SECTION:

### Policy 130 Annual Leave

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: NDUS policy 6 Annual leave placed a limit on how much leave may be taken in advance of accrual. This policy edit brings NDSU compliant with NDUS HR Policy 6.
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted: HR/Payroll, Noah Fischer, Associate Director HR & Payroll
  - Email address of the person who should be contacted with revisions: [noah.fischer@nds.edu](mailto:noah.fischer@nds.edu)

*This portion will be completed by Mary Asheim.*

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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## North Dakota State University Policy Manual

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### SECTION 130 ANNUAL LEAVE

SOURCE: NDUS Human Resources Policy Manual, Section 6  
NDSU President

1. Annual leave with pay is earned by eligible employees for the purpose of freeing them from their regular duties to spend time in rest and recreation or to attend to personal matters. Upon approval, annual leave may only be used in place of regularly scheduled work hours and shall not cause overtime. Such leave should be programmed to insure that leave is taken rather than carried forward from year to year.
2. University operations govern annual leave periods. Consideration is given first to the convenience of the administration, departmental needs, then the employee's departmental seniority and finally to the employee's preference. Annual leave is computed on the basis of the employee's hours/week, and months/year.
  - 2.1 The employee must obtain authorization from his/her department head before taking annual leave. The form of this authorization is to be determined by the respective department head.
  - 2.2 The employee is responsible for furnishing their supervisor or department head with a completed "Notification of Employee Leave" card upon returning to work.
3. Annual leave with pay for full-time benefited, broadbanded staff employees is earned on the basis of continuous service from date of employment as follows:

First through third year - the equivalent of 12 days per year  
Fourth through seventh year - the equivalent of 15 days per year  
Eighth through twelfth year - the equivalent of 18 days per year  
Thirteenth through eighteenth year - the equivalent of 21 days per year  
Over eighteen years - the equivalent of 24 days per year

Annual leave for full-time, non-banded employees in the following job categories is earned on the same basis as for staff employees: graduate research fellows (2230), graduate teaching fellows (2235), post doc research fellows (2240), research scientists (2420), extension program assistants (2530), and international exchange scientists (2810).

Graduate teaching, research or service assistants and experiment station project assistants do not earn annual leave.

- 3.1 Years of service shall be computed from the employment anniversary dates.
- 3.2 Annual leave for part-time staff employees and the non-banded employees identified above in 3 is earned on a prorated basis.
4. Presidents, executive deans, provosts, vice presidents, positions excluded from the broadbanding system, and other positions approved by the President or chancellor at the time of hire are entitled

## Attachment 1

to accrue a minimum of twelve working days and a maximum of 24 working days of annual leave each year to be taken at the convenience of the administration. Accrual rates for these employees are determined by the institution president. For any of these employees who are less than full-time, the annual leave will be prorated.

Each department may negotiate annual leave accrual on a case-by case basis during the recruitment, with prior Presidential approval. Current benefitted employees are not eligible.

5. Annual leave for 12 month faculty and other non-banded job categories not identified in #3 above is earned at the rate of 16 hours per month, 24 days per year. Annual leave will be prorated for those who are less than full-time. For non-banded employees on 9, 10, or 11, month appointments, see Section 320.
6. All eligible employees may accumulate annual leave hours. Full-time employees may accumulate up to 30 working days or 240 hours which shall be carried forward on January 1st of each year. Part-time employees may accumulate up to the equivalent number of days or hours on a prorated basis. Any accumulation in excess of 30 days or 240 hours (or the equivalent on a prorated basis for part-time employees) on December 31st of each year shall be cancelled.
7. All employees eligible to accumulate annual leave must take at least forty hours (or the equivalent on a prorated basis for part-time employees) of annual leave each year, except for the year during which they are hired.
8. When a holiday occurs during annual leave, the holiday is not considered a day of annual leave time.
9. At the discretion of the department head and the concurrence of the Director of Human Resources/Payroll or designee, an employee may be granted annual leave in advance of the accumulation thereof up to a maximum of 40 hours. In rare cases, such as leave due to a workers compensation claim or shared leave, the HR/Payroll office may process leave which exceeds the 40 hour advance. Annual leave taken in advance of accumulation may be deducted from the employee's last paycheck provided the employee has signed an agreement authorizing the deduction. This agreement must be submitted to and approved by the Office of Human Resources and Payroll prior to the employee obtaining a negative accrual balance.
10. Benefitted employees terminating employment must be paid for earned unused annual leave subject to all approved payroll matched reductions/deductions. "Unused annual leave" shall include any leave carried over from the previous year and all accrued leave up to the date of termination. Proper termination notice must be given and any unearned annual leave taken shall be deducted from the employee's last paycheck.
  - 10.1 Annual leave earned by an employee on a 12 month appointment may not be carried forward by the employee to be used or paid for during the term of a subsequent appointment for less than 12 months and must be paid out.
11. In case of death, payment of all earned, unused annual leave shall be paid according to Section 34-01-12 of the North Dakota Century Code. (See Section 183.)
12. Accrued annual leave for employees previously employed with other North Dakota institutions or agencies may be transferred to institutions under the State Board of Higher Education according to agreements between the employee and the institution. If re-employment occurs within one calendar year, the re-employing institution shall credit the employee with prior years of service from any state agency in computing annual leave accrual rate.

**Commented [NF1]:** Reflects change to maximum negative leave allowable and consistent with NDUS HR Policy 6 on Annual Leave. TLAB will also limit the amount of negative leave to 40 hours.

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13. When employment begins or ends during a pay period, the accrual of annual leave shall be prorated for the pay period when the employee is hired or terminated and does not work a full pay period.
14. ~~"Notification of Employee Leave" cards~~ Leave requests are processed on an on-going basis. ~~Each department is responsible for verifying the Departmental Leave Record. Late Leave Cards and errors must be submitted to the Office of Human Resources/Payroll for entry and/or correction. The approving supervisor is responsible for verifying leave balances before approving. Corrections to leave will be handled by the Office of Human Resources and Payroll.~~

**Commented [NF2]:** The departmental leave report is no longer going to run- supervisors will have real time balances to look at before approving.

TLAB will allow departments to enter late leave and will no longer need to come to HR & Payroll, but corrections will still be handled by HR&Payroll.

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HISTORY:

New	July 1990
Amended	April 1996
Amended	March 1998
Amended	October 1999
Amended	April 2002
Amended	October 2003
Amended	March 2006
Housekeeping	April 2010
Housekeeping	May 15, 2012
Housekeeping	April 11, 2013
Housekeeping	July 12, 2013
Amended	March 26, 2014
Amended	November 7, 2014
Amended	June 22, 2015

## Policy Change Cover Sheet

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### SECTION: **Policy 143 Sick/Dependent Leave**

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: NDUS policy 7 Annual leave placed a limit on how much leave may be taken in advance of accrual. This policy edit brings NDSU compliant with NDUS HR Policy 7.
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted: HR/Payroll, Noah Fischer, Associate Director HR & Payroll
  - Email address of the person who should be contacted with revisions: [noah.fischer@nds.edu](mailto:noah.fischer@nds.edu)

*This portion will be completed by Mary Asheim.*

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

Senate Coordinating Committee: 4/10/17

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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## North Dakota State University Policy Manual

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### SECTION 143 SICK/DEPENDENT LEAVE

SOURCE: NDSU PRESIDENT  
NDUS Human Resource Policy Manual

1. Sick leave, including maternity, is a benefit granted by the University to eligible employees and is not a benefit considered to be earned by the employee such as annual leave. It is an insurance benefit allowing employees to build a reserve of days they can use for their extended illnesses. *Abuse of this benefit may be grounds for disciplinary action or termination.* Employees are responsible for informing their supervisors prior to the start of their work schedule of their sickness.
  - 1.1 The employing department may require satisfactory medical verification as deemed necessary by the department head prior to the payment of sick leave.
  - 1.2 The employee is responsible for furnishing their supervisor or department head with a completed "Notification of Employee Leave" card upon returning to work.
  - 1.3 Sick leave may only be used in place of regularly scheduled work hours and shall not cause overtime.
2. Sick leave is granted on the basis of continuous service from date of employment for benefited staff employees, *and benefited 12-month academic staff and other non-banded staff.*
3. Sick leave for full-time eligible employees accrues based on rate per hour at a rate equivalent to 12 days per year. Sick leave for eligible part-time employees working 20 hours or more per week is granted on a prorated basis. Sick leave accumulation is unlimited.
4. Sick leave may be granted to employees who become ill while on vacation provided satisfactory medical proof of such illness is submitted.
5. When a holiday occurs during a paid sick leave, the holiday is not considered a day of sick leave.
6. Upon termination, employees with ten years of continuous state service will receive a payment equivalent to 10% of the dollar value of their accrued sick leave. The amount is computed on the basis of the employee's salary at the time of termination and shall be in the form of a lump-sum payment.
7. At the discretion of the department head and the concurrence of the Director of Human Resources/Payroll or designee, an employee may be granted sick leave in advance of the accumulation thereof up to a maximum of 40 hours. In rare cases, such as leave due to a workers compensation claim or shared leave, the HR/Payroll office may process leave which exceeds the 40 hour advance. ~~Any~~ Sick leave taken in advance of accumulation may be deducted from the employee's last paycheck provided the employee has signed an agreement authorizing the deduction. This agreement must be submitted to and approved by the Office of

**Commented [NF1]:** Reflects change to maximum negative leave allowable and consistent with NDUS HR Policy 6 on Annual Leave. TLAB will also limit the amount of negative leave to 40 hours.

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Human Resources and Payroll prior to the employee obtaining a negative accrual balance.

8. *Unless an approved leave of absence has been granted, an employee who is off the payroll for one year shall lose unused sick leave.*
9. Accrued sick leave is transferable from any state agency to the employing institution if employment with the institution occurs within one calendar year of separation of service with the state agency. In the event of a Reduction in Force, sick leave is transferable if reemployment occurs within two calendar years.
10. Sick leave may be used by the employee when:
  - 10.1 The employee is unable to work due to a mental or physical condition (including maternity).
  - 10.2 The employee has an appointment for the diagnosis or treatment of a medically related condition.
  - 10.3 The employee wishes to attend to the needs of an eligible family member who is ill or to assist them in obtaining other services related to their health. Eligible family members include the employee's spouse, parent (natural, adoptive, foster, and step-parent); child (natural, adoptive, foster, and step-child); or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.
  - 10.4 Sick leave used for the purposes described in 10.3 shall not exceed eighty (80) hours per calendar year.
  - 10.5 In the case of a serious health condition of an eligible family member, an employee may take up to a total of four-hundred-eighty (480) hours of sick leave in any twelve-month (12) period, including the eighty (80) hours in section 10.4 above.
  - 10.6 The employee is caring for a newborn child or for a child placed with the employee, by a licensed child-placing agency, for adoption or as a precondition to adoption, but not both. Sick leave in such cases is limited to six (6) weeks during the first six (6) months from birth or placement.
  - 10.7 The employee seeks for oneself or to assist a parent, child, spouse, sibling, or any other individual who regularly resides in the household or who within the prior six months regularly resided in the household, with the consequences of domestic violence, a sex offense, stalking, or terrorizing. Sick leave may be used to seek legal or law enforcement remedies; treatment by a health care provider for physical or mental injuries; obtain services from a domestic violence shelter, rape crisis center, or social services program; obtain mental health counseling; and participate in safety planning, relocation or other actions to increase the employee's or immediate family member's safety from future domestic violence, a sex offense, stalking or terrorizing. The immediate supervisor may limit the use of sick leave for this section to forty (40) hours per calendar year.
11. *The accrual of sick leave shall be prorated for the pay period in which employment begins or ends.*

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12. Sick leave is not accrued during developmental leaves or leaves of absence without pay.
13. Accumulated sick leave may be used for any period(s) of actual disability caused or contributed to by pregnancy. Beyond the period of disability, an employee may request use of annual leave, family leave, and/or leave without pay to provide for an extended post-delivery period away from work.
14. ~~"Notification of Employee Leave" cards~~ Leave requests are processed on an on-going basis. The approving supervisor is responsible for verifying leave balances before approving. Each department is responsible for verifying the Departmental Leave Report. Late leave cards and errors must be submitted to the Office of Human Resources/Payroll for entry and/or corrections. Corrections to leave will be handled by the Office of Human Resources and Payroll.

### HISTORY:

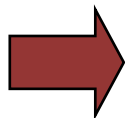
New	July 1990
Amended	April 1992
Amended	July 1997
Amended	April 2002
Amended	January 2004
Amended	November 2005
Amended	January 2007
Amended	March 2008
Amended	November 7, 2011
Housekeeping	July 12, 2013
Amended	October 5, 2015

**Commented [NF2]:** The departmental leave report is no longer going to run- supervisors will have real time balances to look at before approving.

TLAB will allow departments to enter late leave and will no longer need to come to HR & Payroll, but corrections will still be handled by HR&Payroll.

# Policy Change Cover Sheet

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## SECTION:

## 157 – Grievance Procedures

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? No
  - Describe change: Housekeeping changes as follows:
    - o Add “harassment, or retaliation” as being addressed under this grievance policy (under #5)
    - o Updated protected classes, name of policy 156, and areas covered by 156 (under #5.1)
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted: Equity Office / Kara Gravley-Stack 3/22/2017
  - Email address of the person who should be contacted with revisions: Kara.Gravley-Stack@nds.edu

*This portion will be completed by Mary Asheim.*

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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# North Dakota State University

## Policy Manual

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### SECTION 157

### GRIEVANCE PROCEDURES

SOURCE: NDSU President

1. A grievance exists when an employee is dissatisfied with an aspect of his/her employment over which the employee has no control and on which remedial action is desired, excluding job family assignment and performance evaluations for broadbanded staff and other employees not covered under Section 353. (Section 241).
2. If an employee feels unfairly treated or has a complaint, the employee shall first discuss it with the immediate supervisor. It may be a case of misunderstanding which can be straightened out by frank discussion.
3. All employees have the right to present grievances to their supervisors or department heads and are assured freedom from discrimination, coercion, restraint or reprisal in presenting grievances.
4. At each step of the grievance procedure, the employee may be represented by another University employee or by a representative of the employee's choosing.
5. The intent of the University's grievance procedures is to provide a reasonable opportunity for the resolution of an employee's dispute with the University. Depending upon the nature of the grievance, the University has several formal grievance procedures which are available for use by an employee who feels aggrieved or discriminated against and for which informal discussions have not been satisfactory to the employee. If more than one of the University grievance procedures is available for a particular issue, the employee should consult with the Director of Human Resources/Payroll, the Vice Provost for Faculty and Equity (in the case where the issue involves alleged discrimination) or a unit administrator when considering grievance options. Once an employee files a formal grievance in writing with the Office of the Provost, the Office of Human Resources/Payroll or the Presiding Officer of the University Senate (to initiate a faculty Special Review Committee), the employee will not be entitled to grieve the same issue using another internal grievance procedure. If an employee seeks the resolution of a grievance in any external forum, whether administrative or judicial, prior to seeking resolution of the issue by filing a grievance in one of the formal internal grievance procedures listed below or while one of those grievance procedures is in progress, the University may, following notification to the employee, suspend the internal grievance procedure pending a final decision in the external forum.

The Director of Human Resources/Payroll (and the Vice Provost for Faculty and Equity in a case of alleged discrimination, harassment, or retaliation) will act in an advisory capacity, as requested, to all parties involved in the grievance procedure.

#### All employees

- 5.1 If the grievance is based on alleged discrimination, that is, an issue related to age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, status as a U.S. veteran, or participation in lawful activity, ~~race, color, religion, national~~

~~origin, sex (including sexual harassment), disability, age, veteran's status, or sexual orientation~~ any employee may use the Equal Opportunity Grievance Discrimination, Harassment, and Retaliation Complaint Procedure (Section 156). This procedure includes information about the process for filing a complaint, retaliation prohibitions, remedial measures, informal and formal resolution processes, notice of mandatory reporting responsibilities, and filing a complaint with an external agency.~~phases for administrative review, negotiation, and if necessary, a hearing before a special hearing committee.~~

## Faculty

- 5.2 If the grievance involves a faculty member (instructor, assistant professor, associate professor, or professor), lecturer, adjunct faculty member or graduate teaching assistant and is based on a dismissal, termination, nonrenewal or nonpromotion, grievance procedures are described in Sections 350.3. Grievances based on matters other than dismissal, termination, nonrenewal, or nonpromotion may also be grieved using the procedure described in Section 353.

## Broadbanded and all other employees

- 5.3 If the grievance is based upon an aspect of employment over which an employee has no control and desires remedial action, e.g., salary, working conditions, disciplinary action, etc., the employee uses the Condition of Employment Grievance Procedure (Section 230). This grievance option is limited to regular employees who have completed their probation period.
- 5.4 If the grievance is based on a suspension without pay, dismissal or demotion which the employee feels is unjust, the employee uses the Grievance Procedure for Termination of Employment (See Section 231). This grievance option is limited to regular employees who have successfully completed their probationary period.
6. The University's Director of Human Resources/Payroll and the Vice Provost for Faculty and Equity are available to provide assistance to employees in determining, under the given circumstances, which grievance procedure may be most appropriate.

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## HISTORY:

New	July 1990
Amended	April 1992
Amended	May 1997
Amended	October 1997
Amended	October 2002
Amended	March 2005
Amended	October 2007
Housekeeping	July 2010
Housekeeping	April 15, 2016

## 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](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

### SECTION: **712 – Contract Review**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - Is this a federal or state mandate? ☐ Yes ☐ No
  - Describe change: Housekeeping changes including:
    - o Update Provost title and stated areas for agreements
    - o Remove redundant reference to Office of Provost
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted: Equity Office / Kara Gravley-Stack 3/22/2017
  - Email address of the person who should be contacted with revisions: Kara.Gravley-Stack@nds.edu

*This portion will be completed by Mary Asheim.*

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.policy.manual@nds.edu](mailto: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!

North Dakota State University  
Policy Manual

SECTION 712  
CONTRACT REVIEW

SOURCE: NDSU President  
SBHE Policy Manual, Section 840

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

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

- 3. Delegated authority to sign as a designated representative shall be in writing and submitted to the President. All contracts and contract amendments, must be approved by the Assistant Attorney General pursuant to State Board of Higher Education Policy 840. Any contract document, lease

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## Attachment 1

agreement, etc., not bearing an authorized signature will not be binding to the University. Assistant Attorney General approved form contracts don't need further approval unless they are changed.

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

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

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### HISTORY:

New	July 1990
Amended	April 1992
Amended	November 1992
Amended	May 1996
Amended	February 2000
Amended	October 2000
Amended	January 2003
Amended	February 2005
Amended	October 2007
Amended	January 2008
Amended	December 27, 2010
Housekeeping	March 16, 2015
Housekeeping	August 31, 2015
Housekeeping	January 25, 2016

**University Curriculum Committee Report  
For Faculty Senate Meeting on May 8, 2017**

<b>General Education Recommendations</b>				
GEOL 201, The Geology of Climate Change and Energy – approval for Natural Science and Global Perspectives categories				
PH 101, Introduction to Public Health – approval for Social and Behavioral Science – Wellness and Diversity categories				
Undergraduate Learning Outcomes – updated outcomes separating Global Perspectives from Diversity and eliminating secondary outcomes (see attachment)				

<b>Course and Program Curricular Approval Recommendations</b>				
Timeline procedures for General Education course requests and all new and existing course and program proposals (see attachment)				

<b>Program Changes</b>				
Agribusiness and Applied Economics – accelerated Master of Science degree proposal				
Minor in Aerospace Studies – change in number of credits needed for the minor				

<b>New Prefix</b>				
TIPS – Tribal and Indigenous People Studies				

<b>New Uniform Course Number</b>				
(Prefix) 189 – Skills for Academic Success				

<b>New Courses</b>				
Subject	No.	Title	Crs.	Effective Term
GEOL	201	The Geology of Climate Change and Energy	3	Spring 2018

<b>Course Changes</b>								
<b>From:</b>				<b>To:</b>				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
ART	185	Design and Digital Media I	3	ART	185	Graphic Design I	3	Fall 2017
ART	280	Photography II	3	ART	280	Digital Image and Output	3	Fall 2017
ART	285	Design and Digital Media II	3	ART	285	Graphic Design and Digital Media	3	Fall 2017
ART	380	Photography III	3	ART	380	Topics in Photography	3	Fall 2017
ART	385	Design and Digital Media III	3	ART	385	Topics in Graphic Design	3	Fall 2017
ART	480	Photography IV	3	ART	480	Advanced Photography	3	Fall 2017
ART	485	Design and Digital Media IV	3	ART	485	Advanced Graphic Design	3	Fall 2017
CNED	787	Professional Issues: Professional Development, Consultation and Publishing	3	CNED	887	Professional Issues: Professional Development, Consultation and Publishing	3	Summer 2017
HNES	702	Sport Marketing and Public Relations in HNES	1	HNES	702	Introduction to Advanced AT and Professionalism	1	Fall 2017
HNES	720	Fitness/Wellness Management	3	HNES	720	Advanced Emergency Care	3	Fall 2017
HNES	722	Readings in Sports Medicine	3	HNES	722	Evidence Based Orthopedic Evaluation	3	Spring 2018
HNES	776	Non-Orthopedic Assessment	3	HNES	776	Non-Orthopedic Assessment	2	Fall 2017
HNES	781	Orthopedic Assessment I	5	HNES	781	Orthopedic Assessment I	4	Fall 2017
HNES	786	Diagnostic Evaluation of Athletic Injuries	3	HNES	786	Diagnostic Ultrasound – Shoulder and Knee Basics	3	Spring 2018
HNES	788	Technology in Athletic Training	3	HNES	788	Diagnostic Ultrasound – Case Studies and Ankle Basics	3	Spring 2018
MICR	675	Animal Virology	3	MICR	675	Virology	3	Fall 2017
MUSC	357	Marching Band Methods & Techniques	2	MUSC	357	Marching Band Methods & Techniques	1	Fall 2017
MUSC	358	Jazz Methods	2	MUSC	358	Jazz Methods	1	Fall 2017
PHRM	351L	Pharmaceutical Care Laboratory I	2	PHRM	351L	Pharmacy Practice Laboratory I	2	Spring 2018
PHRM	452L	Pharmaceutical Care Laboratory II	2	PHRM	452L	Pharmacy Practice Laboratory II	2	Fall 2017
PHRM	551L	Pharmaceutical Care Laboratory III	2	PHRM	551L	Pharmacy Practice Laboratory III	2	Fall 2017
PHRM	552L	Pharmaceutical Care Laboratory IV/Introductory Pharmacy Practice Experience IV	2	PHRM	552L	Pharmacy Practice Laboratory IV	2	Spring 2018
RELS	100	Introduction to Religion	3	RELS	100	World Religions	3	Summer 2017

<b>Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions</b>				
Subject	No.	Title	Prerequisite/Co-requisite Change	Effective Term
ADHM	455	Advanced Apparel Assembly	Desc: Application of the principles and concepts of advanced apparel assembly and their application to finished garments in a particular category of apparel: jackets, dresses, formalwear and casual sportswear. May be repeated.	Fall 2017

Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions (continued)				
ART	185	Graphic Design I	Desc: Introduction to the foundations and principles of graphic design and graphic design software.	Fall 2017
ART	280	Digital Image and Output	Desc: Introduction to digital photography workflow, digital image editing software, and inkjet printing.	Fall 2017
ART	285	Graphic Design and Digital Media	Desc: Intermediate-level introduction to concepts and practices related to graphic design, digital technologies and their applications in design and visual arts.	Fall 2017
ART	380	Topics in Photography	Desc: Instruction in topics related to the advanced study of photography. Studio techniques, project development, and effective visual and oral communication practices are emphasized. May be repeated for credit.	Fall 2017
ART	385	Topics in Graphic Design	Desc: Development of concepts and practices related to graphic design, digital technologies and their applications in design and visual arts. May be repeated for credit. Prereq: ART 185	Fall 2017
ART	485	Advanced Graphic Design	Desc: Development and application of concepts and practices related to graphic design and visual arts through individual semester projects that may support capstone experience. May be repeated.	Fall 2017
CNED	710	Counseling Techniques	Prereq: Admission to program	Fall 2017
CNED	713	Assessment Techniques	Prereq: CNED 710 and CNED 711 or instructor approval	Summer 2017
CSCI	160	Computer Science I	Prereq: MATH 103	Fall 2017
HNES	224	Sport and Event Management	Prereq: HNES 190	Fall 2017
HNES	702	Introduction to Advanced AT and Professionalism	Desc: This course will include discussion of the expectations and responsibilities of the post-professional athletic trainer's transition into graduate school and as a professional healthcare provider. The content will be focused on information and tools to adjust to the new roles and responsibilities.	Fall 2017
HNES	720	Advanced Emergency Care	Desc: This course will introduce advanced emergency care techniques as well as reinforce basic knowledge already learned in previous course work. Certified Athletic Trainers are expected to perform life-saving measures and this course will develop the skills needed to treat athletes and lay public with evidence based medical care.	Fall 2017
HNES	722	Evidence Based Orthopedic Evaluation	Desc: This course will involve investigation, discussion, and reflection of the research on clinical orthopedic special tests to allow the student to implement evidence based clinical examinations.	Spring 2018
HNES	786	Diagnostic Ultrasound – Shoulder and Knee Basics	Desc: This course will introduce students to the normal tissue characteristics, common pathology characteristics and shoulder and knee evaluation protocols with musculoskeletal ultrasound.	Spring 2018
HNES	788	Diagnostic Ultrasound – Case Studies and Ankle Basics	Desc: This course will introduce students to the normal tissue characteristics and common pathology characteristics of the ankle evaluation protocol with musculoskeletal ultrasound. In addition, students will perform shoulder, knee and ankle evaluations on patients in the clinical setting (NDSU Athletic Training Room) to practice their diagnostic ultrasound examination skills and have a better understanding of common pathologies.	Spring 2018
MICR	675	Virology	Desc: The biology of viruses with emphasis on virus replication and pathogenesis.	Fall 2017
MUSC	357	Marching Band Methods & Techniques	Desc: This course is intended to assist in developing the skill and knowledge essential for the successful administration and implementation of a sports band (marching and pep bands) program within the public school context.	Fall 2017
MUSC	358	Jazz Methods	Desc: This course is intended to assist in developing the skills and knowledge essential for the successful administration and implementation of a jazz program (Big Band and Combos) within the public school context.	Fall 2017

Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions (continued)				
MUSC	643	Keyboard Literature	Desc: Survey of keyboard styles, instrumental development, and literature (excluding organ) from the early 14 <sup>th</sup> century through the 21 <sup>st</sup> century, with special emphasis on works from 1775-1925. May be repeated for credit.	Fall 2017
PHRM	452L	Pharmacy Practice Laboratory II	Prereq: PHRM 351L with a grade of C or higher	Fall 2017
PHRM	551L	Pharmacy Practice Laboratory III	Prereq: PHRM 452L with a grade of C or higher	Fall 2017
PHRM	552L	Pharmacy Practice Laboratory IV	Prereq: PHRM 551L with a grade of C or higher	Spring 2018
RELS	100	World Religions	Desc: Explores the beliefs, practices and origins of the world's major religions and introduces analytical approaches to studying religion.	Summer 2017

Program Inactivations				
B.S. and B.A. in Botany – effective term Summer 2020; no new students admitted to the program beginning fall 2016				
B.S. and B.A. in Zoology – effective term Summer 2020; no new students admitted to the program beginning fall 2016				

Course Inactivations				
Subject	No.	Title	Crs.	Effective Term
CNED	733	Marital Counseling	3	Summer 2017
STAT	762	Messy Data Analysis	3	Spring 2018

Faculty Senate - FYI				
Subject	No.	Title	Crs.	Effective Term
BUSN	299	New Special Topics course – Introduction to Entrepreneurship	3	Fall 2017
MRKT	499	New Special Topics course – Digital Marketing	3	Fall 2017



## Undergraduate Learning Outcomes

**Table mapping proposed recommended changes to NDSU’s Existing GE Categories to the New Undergraduate Learning Outcomes** (created by the UCC April 12, 2017).  
**Proposed Change #1** - UCC recommends that Diversity and Global Perspectives be separated into 2 unique categories to replace "Human Societies" to more effectively reflect the differences between the learning outcomes of these unique categories. **Proposed Change #2** - Elimination of Possible Secondary New Undergraduate Learning Outcomes. The committee views these as valuable attributes for faculty to consider but from an assessment/evaluative standpoint at the University level having additional outcomes to review will become too cumbersome to manage.

Existing NDSU Categories	Core Undergraduate Learning Outcome for Each Category (Approved by Faculty Senate - May 9, 2016)	Undergraduate Learning Outcomes	Possible secondary New Undergraduate Learning Outcomes for Each Category
<del>First Year Experience (F)</del> (Removed from General Education Requirements; approved Faculty Senate March 20, 2017)	<del>Personal &amp; Social Responsibility</del>		-
Communication (C)	Communication	Students will use a variety of modes, particularly written, oral, artistic, and visual, to <ul style="list-style-type: none"><li>effectively communicate analysis, knowledge, understanding, expression and/or conclusions</li><li>skillfully use high-quality, credible, relevant sources</li><li>demonstrate appropriate conventions in a variety of communication situations</li><li>demonstrate the ability to communicate effectively with diverse audiences in a variety of contexts</li></ul>	Critical Thinking, Diversity and Global Perspectives, Technology, Personal & Social Responsibility
Quantitative Reasoning (R)	Critical Thinking, Creative Thinking, and Problem Solving	Students will <ul style="list-style-type: none"><li>explain the nature of evidence used for analysis</li><li>apply quantitative and qualitative methods to collect and analyze data</li><li>apply creativity and divergent thinking</li><li>evaluate the assumptions, evidence, and logic of competing views and explanations</li><li>identify methods of inquiry, approaches to knowledge, and their assumptions and limitations in multiple disciplines</li><li>evaluate, synthesize, and apply evidence to understand and address complex, real world problems</li><li>generate creative, reasoned, approaches or solutions to unscripted, real world problems</li></ul>	<del>Diversity and Global Perspectives, Communication, Technology, Personal &amp; Social Responsibility</del>
Science & Technology (S)	Natural and Physical Sciences or Technology	<b>TECHNOLOGY</b>	
		Students will <ul style="list-style-type: none"><li>apply technology to demonstrate creativity and solve problems</li><li>use technology to enhance understanding</li><li>identify the social, aesthetic, and ethical implications of technological decisions</li><li>analyze how technology shapes, limits, and augments our experiences and understandings</li></ul>	<del>Critical Thinking, Diversity and Global Perspectives, Communication, Personal &amp; Social Responsibility</del>
		<b>NATURAL AND PHYSICAL WORLDS</b>	
		Students will <ul style="list-style-type: none"><li>analyze components and dynamics of natural and physical worlds</li><li>develop models to explain phenomena within the natural and physical worlds</li><li>identify the role of scientific methods in the study of natural and physical worlds</li></ul>	<del>Critical Thinking, Diversity and Global Perspectives, Communication, Personal &amp; Social Responsibility</del>
Humanities & Fine Arts (A)	Human Societies	Students will <ul style="list-style-type: none"><li>identify the nature and impact of aesthetic and creative activities in human experience</li><li>analyze the interplay of self and society, particularly how social structures shape human experiences and how humans shape social structures</li><li>analyze the components and dynamics of human societies in their artistic, cultural, and historical contexts</li><li>apply theories or research methods to understand human events, identities, artifacts, or social structures</li><li>engage in a creative, aesthetic, or artistic activity</li></ul>	<del>Critical Thinking, Diversity and Global Perspectives, Communication, Technology, Personal &amp; Social Responsibility</del>
Social & Behavioral Sciences (B)			
Social & Behavioral Sciences - Wellness (W)	Personal & Social Responsibility	Students will <ul style="list-style-type: none"><li>examine their own values, biases, and conclusions</li><li>analyze the ethical basis for and implications of personal, professional, and civic decisions</li><li>comprehend and demonstrate appropriate standard of professional behavior</li><li>identify stewardship of the land and its people as integral to a land-grant university</li><li>analyze human impacts on the world and the importance of sustaining its resources for future generations engage in service learning</li></ul>	<del>Critical Thinking, Diversity and Global Perspectives, Communication, Technology, Personal &amp; Social Responsibility</del>

Cultural Diversity (D) (embedded in other category)	<del>Human Societies</del> <u>Diversity (embedded in other category)</u>	<b>DIVERSITY AND GLOBAL PERSPECTIVE</b>	<del>Diversity and Global Perspectives</del>
		Students will <ul style="list-style-type: none"><li>• identify how values and contributions of diverse societies provide contexts for individual experiences, values, ideas, artistic expressions, and identities</li><li>• identify the role diversity plays in the ability of biological organisms to adapt to a changing environment</li><li>• <del>analyze how diversity contributes to and shapes solutions to challenges confronting the global community</del></li><li>• evaluate how diverse systems (both natural and human-made), technologies, or innovations emerge from, interact with, and affect various communities</li><li>• collaborate with others in diverse interpersonal, intercultural, or international settings</li></ul>	
Global Perspectives (G) (embedded in other category)	<del>Human Societies</del> <u>Global Perspectives (embedded in other category)</u>	<b>GLOBAL PERSPECTIVES</b> Students will <ul style="list-style-type: none"><li>• apply theories or research methods to develop strategies and solutions that address global challenges</li><li>• identify potential benefits and explore the opportunities of being a global citizen</li><li>• analyze how communities are impacted by and/or contribute to globalization from various perspectives</li><li>• analyze the process and/or develop models of global trends</li><li>• evaluate global phenomena using perspectives, attitudes and beliefs of communities with cultural backgrounds different from their own</li></ul>	
General Education Categories that do not follow standard review procedures			
Upper Division Writing (approved by the GE Committee after review from the English Department in the Disciplines Committee)	Communication	Students will use a variety of modes, particularly written, oral, artistic, and visual, to <ul style="list-style-type: none"><li>• effectively communicate analysis, knowledge, understanding, expression and/or conclusions</li><li>• skillfully use high-quality, credible, relevant sources</li><li>• demonstrate appropriate conventions in a variety of communication situations</li></ul> demonstrate the ability to communicate effectively with diverse audiences in a variety of contexts	
Capstone in major (not presently reviewed by the GE committee)	Critical Thinking, Creative Thinking, and Problem Solving	Students will <ul style="list-style-type: none"><li>• explain the nature of evidence used for analysis</li><li>• apply quantitative and qualitative methods to collect and analyze data</li><li>• apply creativity and divergent thinking</li><li>• evaluate the assumptions, evidence, and logic of competing views and explanations</li><li>• identify methods of inquiry, approaches to knowledge, and their assumptions and limitations in multiple disciplines</li><li>• evaluate, synthesize, and apply evidence to understand and address complex, real world problems</li><li>• generate creative, reasoned, approaches or solutions to unscripted, real world problems</li></ul>	

~~Green Strike Thru~~ and **Red** - Proposed changes UCC Committee (April 12, 2017); Remaining Document approved by Faculty Senate May 6, 2016

University Curriculum Committee  
Course and Program Curricular Approval Recommendations

April 24, 2017

Background

The Office of Registration and Records needs to bring CourseLeaf offline each summer to perform administrative updates within the system. To ensure compliance in the governance approval process and proposal forms are up-to-date with NDSU and NDUS policies and procedures, a best practice of CourseLeaf institutions is to destroy stalled proposals at the end of an academic year and institute deadlines during the academic year to promote early submission of proposals for the upcoming academic year.

Procedural Proposal for Faculty Senate Approval

Stalled proposals

The University Curriculum Committee directs the Office of Registration and Records to “shred” stalled CourseLeaf course and program proposals at the end of each academic year after the May Faculty Senate meeting.

- Prior notification would go out on the Chairs and Deans listservs to recommend backing up stalled proposals at their levels.
- New program proposals in Stage I/II processes will not be destroyed.
- All new or existing course proposals not approved by the May Faculty Senate meeting would be subject to purge.
  - Existing courses would revert to original state.
- Existing program proposal edits not approved by the May Faculty Senate meeting would also revert to the unedited curriculum.

General Education Course Requests

General Education course submissions (new course seeking general education category approval or existing course seeking new or additional general education category approval) will only be reviewed during fall semester.

Deadlines

All new and existing course and program proposals must be initiated in CourseLeaf by the Friday of Spring Break week. Functionality to submit proposals will be removed and inactive until early August. This deadline will be in place to allow sufficient time for department, college, Graduate Council, University Curriculum Committee, and Faculty Senate review/approval. Course and program proposals submitted prior to the deadline are not guaranteed to be reviewed before the end of the academic year.

## 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](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

### SECTION:

### Policy 161 Fitness for Duty

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    xxxx ☐ No
  - Describe change: Clarification of the process and changing it so it is consistent with other policies/federal laws
    - Family Medical Leave (FMLA) and American with Disabilities (ADA).
2. This policy change was originated by (individual, office or committee/organization):
  - Office/Department/Name and the date submitted Colette Erickson, 01/26/2017
  - Email address of the person who should be contacted with revisions: Colette.erickson@nds.edu

*This portion will be completed by Mary Asheim.*

*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: 2/27/17

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.policy.manual@nds.edu](mailto: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!

## North Dakota State University Policy Manual

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### SECTION 161 FITNESS FOR DUTY

SOURCE: NDSU President

#### 1. Overview

NDSU is committed to providing a safe working environment and to protect the health and safety of students, faculty and staff, visitors and University property. This policy provides a mechanism for identifying and intervening when individuals who could pose a threat to the safety of others and property. Required drug and alcohol screening of employees in designated positions is addressed in NDSU policy 161.1. Post-offer/pre-hire screening of job candidates for positions related to dining services must comply with Fargo Public Health Codes.

#### 2. Definitions

- a. Fitness for duty: physical and mental health status that facilitates the performance of essential job duties in an effective manner and protects the health and safety of oneself, others and property.
- b. Reliable report: self-disclosure or third-party opinion about an employee's possible lack of fitness for duty which is assessed as reasonable by the manager/supervisor considering such factors as the relationship of the reporter to the employee, the seriousness of the employee's condition, the possible motivation of the reporter and how the reporter learned the information.
- c. Working hours: beginning with an employee's starting time and ending with the employee's quitting time as well as any time an employee is on-call. All work activities are included whether they occur on or outside University properties.
- d. Medical evaluation: An examination performed by a university-designated health professional, including but not limited to a health history, physical and/or psychological examination and any medically indicated diagnostic studies. The cost is paid by the employee's department.
- e. Medical certification: a document from a medically appropriate, licensed provider attesting to an employee's fitness for duty following an extended medical absence. Allowable costs to obtain the certification are paid by Workers Compensation for work-related absences, and by the employee and the employee's health insurance for absences which are not work-related.

#### 3. Employee responsibilities

- a. Reporting to work fit for duty.
- b. Notifying the manager/supervisor when not fit for duty.

### Attachment 3

- c. Notifying the manager/supervisor when observing a co-worker who may not be fit for duty (in cases where the possibly impaired individual is the employee's manager, the employee should make the notification to the next higher level manager or the Director of Human Resources/Payroll).
- d. Cooperating with a manager/supervisor's directive and/or referral for a medical evaluation.

#### 4. Manager/supervisor responsibilities

- a. Observing the attendance, performance and behavior of employees they supervise.
- b. Interviewing an employee who appears to the manager/supervisor (or third-party report) unfit for duty ~~and referring an employee for a medical evaluation when appropriate.~~
- c. Recording the reasons/observations that triggered ~~a~~ a fitness for duty ~~concern~~ medical evaluation referral.
- d. Utilizing this policy in a fair and consistent manner, respecting the employee's privacy and the confidentiality of medical information.

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#### 5. Procedures

- a. Employee plans to return from work after an extended medical absence.
  - 1. ~~Employee is required~~ Manager/supervisor receives ~~to submit~~ medical certification from employee prior to his/her return to work ~~indicating that employee is able to return to work~~, with suggested accommodations, if applicable.
  - 2. Manager/supervisor ~~with assistance from Human Resources~~ determines whether or not employee can perform essential functions of the job with or without accommodation. ~~accepting suggested accommodations or developing alternative accommodations~~
  - 3. Manager/supervisor provides and employee utilizes accommodations
- b. A triggering event occurs when a manager/supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations may include, but are not limited to an employee's self-reports, manual dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, suicidal or threatening statements, change in personal hygiene, presence of condition likely to lead to food borne disease transmission, memory and/or odor of alcohol or marijuana.
  - 1. Manager/supervisor interviews employee, when possible.
  - 2. Manager/supervisor assesses magnitude of safety risk. Managers/supervisors ~~should~~ are encouraged to contact Human Resources ~~and~~ Payroll for assistance.
    - A. No risk: keep notes of event
    - B. Minor risk:

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### Attachment 3

~~I. Encourage~~ employee to use Employee Assistance Program (see NDSU policy 134) or seek medical treatment;

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~~B. II. Document~~ event

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C. Significant risk:

- I. Contact University Police if appropriate
- II. Place employee on paid leave of absence (sick leave or paid administrative leave, depending on situation)
- III. Arrange for employee's safe transportation home if situation warrants

~~IV.~~ Refer employee to Employee Assistance Program

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~~IV-V.~~ Work with Office of Human Resources and Payroll to initiate ~~a or for~~ medical evaluation

~~V-VI.~~ Implement discipline, if appropriate

~~D. Severe risk:~~

- ~~I. Contact University Police~~
- ~~II. Place employee on paid leave of absence~~
- ~~III. Arrange for employee's safe transportation home~~
- ~~IV. Implement appropriate discipline~~

## 6. Outcomes

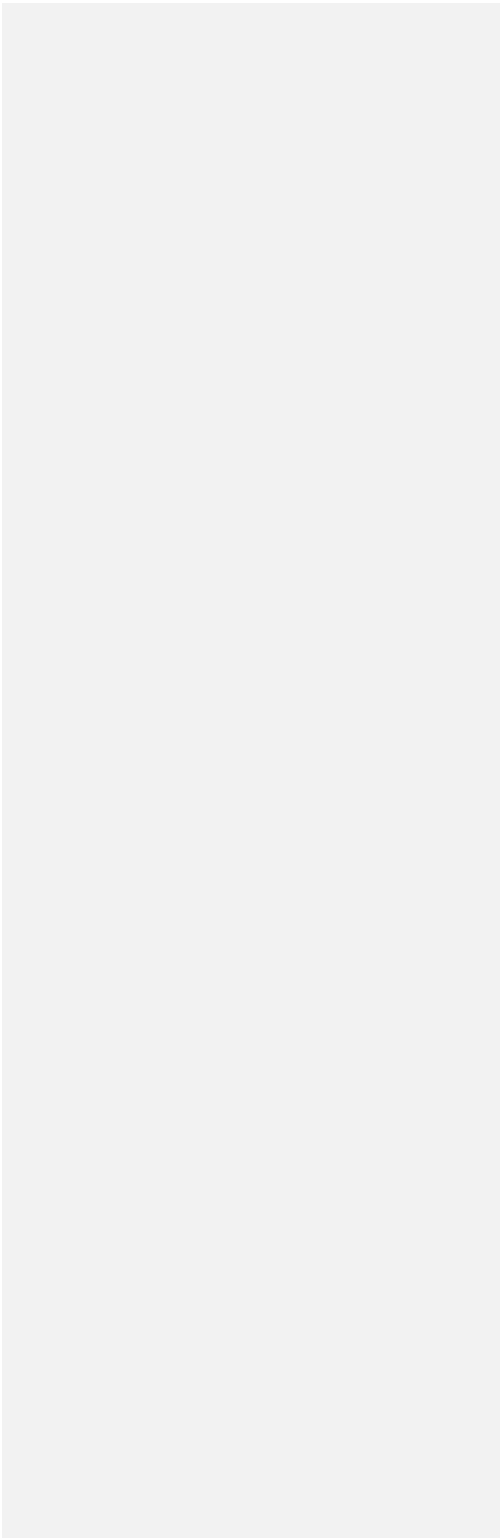
- a. Employees voluntarily seeking assistance for physical (including controlled substance, drug and alcohol abuse/addictions), mental, and/or emotional problems before their work performance or attendance is adversely affected will not have their employment status jeopardized for seeking assistance.
- b. Employees cooperating in a medical evaluation and in compliance with recommendations for medical, psychological and/or chemical dependence treatment may be returned to the job provided appropriate discipline, if warranted, has taken place.
- c. Employees posing a severe risk may be subject to discipline up to and including termination of employment.

### HISTORY:

New	May 15, 1972
Amended	May 12, 1986
Amended	April 1992
Amended	April 2000
Amended	April 2001

Attachment 3

Amended	March 2002
Amended	October 2007





**ERIN H. GILLAM**

DEPARTMENT OF BIOLOGICAL SCIENCES  
 NORTH DAKOTA STATE UNIVERSITY  
 218 STEVENS HALL, FARGO, ND 58102  
 OFFICE: (701) 231-9401  
 EMAIL: ERIN.GILLAM@NDSU.EDU

**PROFESSIONAL EXPERIENCE**


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2016 – 2017	Visiting Researcher, Max Planck Institute for Ornithology, Seewiesen, Germany
2015 - present	Associate Professor, Department of Biological Sciences, NDSU
2009 - 2015	Assistant Professor, Department of Biological Sciences, NDSU
2007-2008	Postdoctoral fellow, Department of Biology, University of Regina

**EDUCATION**


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Ph.D.	University of Tennessee, Knoxville, TN., Dept. of Ecology and Evolutionary Biology, May 2007. Dissertation Title: “Behavioral and Ecological Variation in the Echolocation of Brazilian Free-Tailed Bats, <i>Tadarida brasiliensis</i> ”
B.Sc.	University of Maryland, College Park, MD., Biology Honors, May 2001

**TEACHING EXPERIENCE**


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Fall 2014, Sum 15-16	Instructor, <u>Animal Behavior (Online)</u> , (30 students) NDSU
Fall 2013, 2015	Instructor, <u>Advanced Animal Behavior</u> (20 grad students), NDSU
Fall 2010-2012	Instructor, <u>Animal Behavior</u> , (125 students) NDSU
Spring 2009-12, 14-16	Instructor, <u>Wildlife Ecology and Management (40 students)</u> , NDSU
Spring 2008	Instructor, <u>Vertebrate Biology (10 students)</u> , U of Regina
Fall 2007, 2008	Instructor, <u>Introductory Biology for Majors (24 students)</u> , U of Regina

**MENTORING**

- 
- Four graduate students that have completed their degrees (3 Ph.D., 1 M.Sc.)
  - Three current graduate students (1 Ph.D., 2 M.Sc.)
  - 20+ undergraduate assistants have worked in my laboratory since 2009
  - Graduate committee member for students in Bio Sciences, NRM, ECS, and Entomology

**PUBLICATIONS (FIVE RECENT OF 31 TOTAL PEER-REVIEWED PUBS AND TWO BOOK CHAPTERS)**

- 
- JJ Nelson and **EH Gillam**. Selection of foraging habitat by female little brown bats (*Myotis lucifugus*). *gyw181*. DOI: 10.1093/jmammal/gyw181
- PR Barnhart and **EH Gillam**. Understanding peripheral bat populations using maximum-entropy suitability modeling. *PLoS ONE*. 11(12): e0152508
- EH Gillam** and BK Montero. 2015. Influence of call structure on the jamming avoidance response (JAR) of echolocating bats. *Journal of Mammalogy*. DOI: 10.1093/jmammal/gyv147
- BK Montero and **EH Gillam**. 2015. Behavioral strategies associated with using an ephemeral roosting resource in Spix's disc-winged bat. *Animal Behaviour*. 108: 81-89

G Chaverri and **EH Gillam**. 2015. Repeatability in the contact calling system of Spix's disc-winged bat (*Thyroptera tricolor*). Royal Society Open Science 2(1): 140197

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**GRANTS, CONTRACTS AND AWARDS** (*Co-PIs and project titles not provided for brevity*)

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2017	National Park Service. \$24,530.
2016	North Dakota Department of Agriculture. \$131,040.
2014	USDA NIFA Tribal Colleges Research Grants Program. \$200,000.
2012	NDSU Advance FORWARD Lab Renovation Grant. \$60,000.
2012	North Dakota Game and Fish Department State Wildlife Grant \$134,866.
2012	USDA NIFA Tribal Colleges Research Grants Program. \$59,916.
2011	NDSU Advance FORWARD Course Release Grant. \$6,500.
2010	NDSU Advance FORWARD Leap Grant. \$30,000.
2010-2012	USDA-APHIS-WS. \$69,871.
2009	North Dakota Game and Fish Department State Wildlife Grant. \$109,036.
2009	NDSU Advance FORWARD Travel Grant. \$1,300.
2009	Environmental and Conservation Sciences Seed Grant. \$7,000.

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**RECENT PROFESSIONAL SERVICE**

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2016-2017	Invited seminars at Max Planck Institute for Ornithology and Tel-Aviv University
2014 – present	Secretary and Member of the Board of Directors of the North American Society for Bat Research (NASBR)
2014 – present	Chair of the North American Society for Bat Research (NASBR) Spallanzani Award Committee
2013-2016	Member of the North Dakota State University Faculty Senate

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**PUBLIC OUTREACH**

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2014 – 2016	Serve as the social media coordinator for the Department of Biological Sciences at NDSU
2015	Gave public bat talks at two state parks in North Dakota.
2012	Gave a Science Café Presentation on April 10, 2012 entitled “Beauty and the Bat: Tales from Life’s Only Flying Mammal”
2012	Participated in the Expanding Your Horizons program by offering a class about the life of a field ecologist to 6 <sup>th</sup> -8 <sup>th</sup> grade girls.
2011-2012	Participated in the Faculty in Residence Education program
2009-2014	Assisted with planning the annual Darwin Day celebration at NDSU
2009	Bat talks to the general public at Turtle River State Park and Theodore Roosevelt National Park
1999-2015	30+ talks to elementary school students about bat biology and conservation, in the context of how science works

## FLORIN D. SALAJAN

North Dakota State University • School of Education  
1400 Centennial Boulevard, FLC 210A • Fargo, ND 58105  
Phone: 701.231.5674 • E-mail: florin.salajan@ndsu.edu

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### EDUCATION

**Teachers College, Columbia University** New York, NY  
**Ed.D.: International Educational Development** 2007  
**Dissertation:** “Problems and Possibilities of Integrating ICT in European Union’s Higher Education: Perceptions of People Inside and Outside the European Commission’s eLearning Programmes”  
**Committee:** Robert McClintock, Frank Moretti, Gita Steiner-Khamsi and Hope Leichtner

**Teachers College, Columbia University** New York, NY  
**Ed.M.: International Educational Development** 2002  
**Thesis:** “Challenges in the Future of Educational Technology in the European Union”  
**Adviser:** Gita Steiner-Khamsi

**Georgia College & State University** Milledgeville, GA  
**M.Ed.: Educational Technology** 2000

**Georgia College & State University** Milledgeville, GA  
**B.Sc.: Health and Physical Education (Magna Cum Laude)** 1998

**National University of Physical Education and Sports** Bucharest, Romania  
**B.A.: Physical Education and Sports (Summa Cum Laude)** 1994

### TEACHING AND PROFESSIONAL EXPERIENCE

**North Dakota State University** Fargo, ND  
*Associate Professor* August 2016-Present  
*Assistant Professor* August 2010-August 2016

**University of Toronto - Ontario Institute for Studies in Education** Toronto, ON  
*Visiting Scholar* November 2009-July 2010

**University of Toronto - Faculty of Dentistry** Toronto, ON  
*Academic Technologist/Researcher/Project Manager* May 2006-April 2010

**University of Toronto at Mississauga Library** Mississauga, ON  
*Research & Reference Technician* June 2004-May 2006

**Columbia University - Council for European Studies** New York, NY  
*Web Designer* Sept 2002-Jul 2005

**Columbia University - Center for New Media Teaching and Learning** New York, NY  
*Graduate Assistant* Sept 2000-Dec 2003

**NCREST - Teachers College, Columbia University** New York, NY  
*Graduate Assistant/Technology Staff Developer* Jan 2003-Aug 2003

**Baldwin County Board of Education** Milledgeville, GA  
*Technology Consultant* May-Sept 2000, 2001, 2002

**Georgia College & State University - International Education Center** Milledgeville, GA  
*Graduate Assistant* Mar 1998-May 2000

**Sports Curriculum High School** Satu Mare, Romania  
*Teacher/Track and Field Coach* July 1994-Sept 1995

## REFEREED PUBLICATIONS

- Salajan, F.D.**, Duffield, S.K., Glava, A.E., & Glava, C.C. (2016). A comparative study of two pre-service teacher preparation programmes in the USA and Romania. *Compare*. doi:10.1080/03057925.2016.124695
- Salajan, F.D.**, & Roumell, E.A. (2016). Two decades of e-learning policy evolution at European Union level: Motivations, institutions and instruments. *European Journal of Education*, 51(3), 391-407. doi:10.1111/ejed.12144
- Salajan, F.D.**, Nyachwaya, J.M., Hoffman, J.G., & Hill, B.D. (2016). Improving teacher candidates' lesson planning competencies through peer review in a wiki environment. *The Teacher Educator*, 51(3), 185-210. doi:10.1080/08878730.2016.1153179
- Roumell, E.A., & **Salajan, F.D.** (2016). The evolution of U.S. e-learning policy: A content analysis of the national educational technology plans. *Educational Policy*, 30(2), 365-397. doi:10.1177/0895904814550070
- Salajan, F.D.**, Welch, A.G., Ray, C.M., & Peterson, C.M. (2015). The role of peer influence and perceived quality of teaching in faculty acceptance of web-based learning management systems. *International Journal on E-Learning*, 14(4), 487-524. <http://www.editlib.org/p/48018/>
- Salajan, F.D.**, Mount, G.J., & Prakki, A. (2015). An assessment of students' perceptions of learning benefits stemming from the design and instructional use of a Web3D atlas. *Electronic Journal of E-Learning*, 13(2), 120-137. <http://www.ejel.org/issue/download.html?idArticle=400>
- Roumell Erichsen, E.A., & **Salajan, F.D.** (2014). A comparative analysis of e-learning policy formulation in the European Union and the United States: Discursive convergence and divergence. *Comparative Education Review*, 58(1), 135-165. doi:10.1086/674095
- Salajan, F.D.**, & Chiper, S. (2013). Romanian higher education as a facilitator of Romania's continued formal and informal Europeanization. *European Journal of Higher Education*, 3(4), 384-401. doi:10.1080/21568235.2013.850922
- Salajan, F.D.** (2013). Policy formulation and networks of practice in European eLearning: The programmatic emergence of a European E-Learning Area. *European Journal of Education*, 48(2), 292-310. doi:10.1111/ejed.12031
- Salajan, F.D.**, & Chiper, S. (2012). Value and benefits of European student mobility for Romanian students: Experiences and perspectives of participants in the ERASMUS Programme. *European Journal of Higher Education*, 2(4), 403-422. doi:10.1080/21568235.2012.737999
- Salajan, F.D.**, & Mount, G.J. (2012). Leveraging the power of web 2.0 tools: A wiki platform as a multimedia teaching and learning environment in dental education. *Journal of Dental Education*, 76(4), 427-436. <http://www.jdentaled.org/content/76/4/427>
- Salajan, F.D.**, Schönwetter, D., & Cleghorn, B. (2010). Student and faculty inter-generational digital divide: Fact or fiction? *Computers & Education*, 55(3), 1393-1403. doi:10.1016/j.compedu.2010.06.017
- Laing Gibbard, L., & **Salajan, F.D.** (2009). A novel interactive online module in a traditional curriculum through a blended learning approach. *Electronic Journal of E-Learning*, 7(3), 301-308. <http://www.ejel.org/issue/download.html?idArticle=109>
- Salajan, F.D.**, Perschbacher, S., Cash, M., Talwar, R., El-Badrawy, W., & Mount, G. (2009). Learning with web-based interactive objects: An investigation into student perceptions of effectiveness. *Computers & Education*, 53(3), 632-643. doi:10.1016/j.compedu.2009.04.006
- Salajan, F.D.** (2008). The rise of the European information society amongst European academics. *European Journal of Education*, 43(4), 457-475. doi:10.1111/j.1465-3435.2008.00369.x

**Salajan, F.D., & Mount, G.** (2008). University of Toronto's dental school shows "new teeth:" Moving towards online instruction. *Journal of Dental Education*, 72(5), 534-544.  
<http://www.jdentaled.org/content/72/5/532>

**Salajan, F.D.** (2007). The European eLearning Programme(s): Between rhetoric and reality. *European Educational Research Journal*, 6(4), 364-381. doi:10.2304/eej.2007.6.4.364

**Salajan, F.D.** (2007). The European Union in a changing world: Globalizer or globalized? *The Romanian Economic Journal*, 10(25), 160-176. <http://www.rejournal.eu/article/european-union-changing-world-globalizer-or-globalized>

### SELECTED PROFESSIONAL ACTIVITIES

Expert Evaluator for Lifelong Learning Programme and Erasmus+ Programme, European Commission, Education, Audiovisual and Culture Executive Agency, Brussels, Belgium, 2015-present

Reviewer, *Comparative Education Review*; *European Journal of Education*; *The Teacher Educator*; *Computers & Education*; *Journal of Computer Assisted Learning*; *Canadian Journal of Education*; *Journal of Online Teaching and Learning*; *Journal of Dental Education* (computer-assisted learning topics); *Electronic Journal of E-Learning*; *International Journal of Education and Learning*; *Journal of Public Administration and Policy Research*

Reviewer, *International Conference on E-Learning*; *European Conference on E-Learning*; *ED-MEDIA - World Conference on Educational Multimedia*; *Hypermedia & Telecommunications*; *E-Learn - World Conference on E-Learning in Corporate, Government, Healthcare & Higher Education*

Editor, *Proceedings of the 4<sup>th</sup> International Conference on E-Learning*, University of Toronto, Canada, July 16-17, 2009

Guest Editor, *Electronic Journal of E-Learning*, 2009-2010.

### SELECTED UNIVERSITY SERVICE

NDSU Faculty Senate, Member, 2016-present

Institutional Review Board, Member, 2015-present

Grade Appeals Board, Member, 2015-2016

School of Education Promotion and Tenure Committee, Member, 2016-present

### PROFESSIONAL MEMBERSHIPS

Comparative and International Education Society, Member, 2015-present

EDUCAUSE, Member, 2007-present

EDEN, European Distance and E-Learning Network, Member, 2006-present.

International Association for Technology, Education and Development, Member, 2006-present.

Kappa Delta Pi International Honor Society in Education, 1997-present.

**SR-11-17**

**A Resolution Against the Use of External Online Assessment Programs**

**WHEREAS**, the rising cost of tuition and textbooks puts a heavy financial burden on students and the additional cost of access codes for external assessment programs adds to this burden, and

**WHEREAS**, in a survey conducted by Student Government, 62% of students were required to purchase an access code for at least one class this semester, and

**WHEREAS**, coursework done in many classes using external online assessment programs contributes little to the final grade in a class, and

**WHEREAS**, in the aforementioned survey, 86% of students felt Blackboard was just as good or better than external online assessment programs, and

**WHEREAS**, students are paying extra costs for online programs that do not enhance their educational experience, so be it

**RESOLVED**, NDSU Student Senate opposes the requirement of access codes in courses that could use Blackboard as a means of assessment.

Respectfully Submitted,

**Calla Harper**

Senator | Residence Halls

**Brendan Curran**

Senator | Vice Chair

**Briana Heskin**

Senator | Business

## **Resolution to Support Gender Diversity and Inclusion**

**Whereas**, North Dakota State University is an equal opportunity institution that supports the protection of diverse populations as stated in the NDSU Equal Opportunity and Non-discrimination Policy and is committed to improving the climate for diverse groups, and

**Whereas**, NDSU added “gender identity and expression” to our nondiscrimination policy, Section 100 of the NDSU Policy manual, in an effort to be a more fully inclusive campus, and

**Whereas**, the availability of available restrooms is necessary for a productive learning environment for all people, and

**Whereas**, NDSU has the opportunity to demonstrate our commitment to improving the climate for gender diverse groups

**Therefore, be it resolved** that the NDSU Faculty Senate supports the full inclusion of transgender and gender diverse students in all aspects of the NDSU community,

**Be it further resolved**, that the NDSU Faculty Senate supports transgender and gender diverse students’ right to use the restroom and related facilities that reflect their gender identities,

**Be it further resolved**, that the NDSU Faculty Senate opposes the Justice and Education departments recent decision to reverse guidance that required Title IX to protect the right of transgender and gender diverse students to use restrooms and locker rooms that match their gender identities.



Katie,

The Faculty Senate Committee to Review Policy 352 has formulated draft revisions to the PTE evaluation criteria (Sec. 3.1) for promotion from associate to full professor (please see appended). The general intent is to provide more flexibility and to encourage applications for promotion to full. As you know, the current policy states that "candidates for promotion to the rank of full professor shall be evaluated by the criteria in effect at the time of application." One proposed revision would address the "moving target" issue by allowing candidates to choose to be evaluated by the criteria in effect at the time of the previous promotion, if the application is made within eight years. A second proposed revision would allow candidates who apply more than eight years after the previous promotion to choose to be evaluated based on work completed in the most recent eight years, rather than on their entire post-promotion record. This change might motivate faculty who have been at the associate rank for more than eight years, and whose research productivity may have temporarily declined (e.g., due to change of research focus, heavy teaching/service load, child birth/adoption, illness/disability), to apply for promotion, especially in units/colleges that quantify the expected average publication rate.

Our committee would like to request feedback from the Faculty Senate on these proposed revisions.

Thanks for your consideration.

Alan Denton

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Proposed Revision to Policy 352 (changes highlighted):

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

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.