

# University Senate Minutes

Fargo, ND 58105

North Dakota State University

September 14, 2009

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The University Senate met at 3:30 p.m. in the Plains Room of the Memorial Union with Dr. M. Meister presiding and the following senators present: S. Affolter, A. Altstadt, D. Andersen, E. Berg, P. Biga, C. Bilen-Green, W. Bowlin, K. Bromley, S. Brotherson, T. Carlson, N. Cilz, C. Ciuperca, V. Clark Johnson, J. Council, L. del Rio Mendoza, V. Doan, C. Friesen, S. Gajan, J. Glower, K. Gordon, G. Gramig, A. Grazul-Bilska, P. Gunderson, P. Hansen, M. Hoag, A. Jackson, S. Jayaraman, B. Johnson, M. Kelsch, M. Khan, J. Kong, M. Lee, G. Liguori, F. Manthey, S. May, K. McCaul, S. Meinhardt, M. Nagel, P. Nelson, R. Nielsen, J. Okstad, V. Olson, M. Patnode, C. Peterson, C. Popovici, S. Pryor, M. Reid, T. Riley, J. Rowe, A. Rupiper-Taggart, S. Sather-Wagstaff, R.C. Schnell, J. Sherlock, C. Ulven, K. Vonnahme, C. Weber, A. Werremeyer, K. Wolfe, Q. Zhang, and M. Ziejewski

Substitutions: A. Schlicksup for A. Brown, J. Venette for K. Grafton, S. Markell for M. Khan, M. Berti for F. Manthey, F. Casey for L. Overstreet, M. Gehrtz for B. Schmeling, and L. Helstern for G. Totten.

## **Approval of Minutes**

MOTION (Sather-Wagstaff/McCaul): to approve the minutes of the May 11, 2009, meeting as posted. MOTION CARRIED WITH UNANIMOUS CONSENT.

## **Consent Agenda**

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

MOTION (Riley/Sather-Wagstaff): to approve the Consent Agenda as posted. MOTION CARRIED WITH UNANIMOUS CONSENT.

## **General Announcements**

### *A. Provost/VPAA Schnell:*

- Enrollment: Current enrollment has reached approximately 14,200, and represents a marked increase in new graduate and international students. Freshmen enrollment is down slightly. The official census snapshot will be taken September 21 with final numbers reported on September 22. Provost Schnell thanked the faculty for their flexibility in making more class seats and sections available.
- Sophomore Year Experience/Mid-Term Grading: Retention is being closely studied, particularly in the sophomore year and beyond. As such, a Sophomore Year Experience was formed as a joint effort between Academic Affairs and Student Affairs. One recommendation offered by the committee was the implementation of mid-term grades in order to identify and provide earlier

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intervention for academically deficient students. Details are being discussed with a pilot planned for fall semester.

- Swine Flu/H1N1: NDSU is taking seriously the threat of the H1N1 flu and is monitoring the spread of the virus across the country and on college campuses. A town hall meeting to discuss the potential impacts of this virus at NDSU is being planned. Counts of confirmed cases are no longer being kept as it is believed that the majority of flu cases are H1N1. As such, H1N1 precautions and regimens are recommended for all individuals with flu-like symptoms. An emergency management plan is being developed in the event of a pandemic, which will call for faculty flexibility with educational delivery means, class attendance and assignments. Provost Schnell commended faculty on job well done during the spring semester flood.
- Flu Clinic: Seasonal flu shots now are available from health care providers. A one-day flu clinic also is scheduled for students, faculty and staff on Thursday, October 8 from 9 am to 4 pm in the Great Room, Memorial Union. The cost is \$20. H1N1 vaccines are anticipated to be available by mid-October, with priority being given to higher-risk populations, including 18-24 year olds.
- General Education: NDSU and the ND University System are reviewing the future of general education, as well as various models and how they apply to discipline curricula. A committee, chaired by Larry Peterson, will lead this effort on campus. Various teaching modalities will be considered as part of this process.

## *B. M. Meister, President of University Senate:*

- Introductions: President Meister introduced himself and other University Senate officers, including President-Elect Amy Rupiper Taggart and Secretary Kristi Wold-McCormick.
- Parliamentarian: Dr. Benton Duncan was introduced as a nominee for parliamentarian. MOTION (Sather-Wagstaff/Bowlin): to confirm Duncan as University Senate Parliamentarian for the 2009-2010 academic year. MOTION CARRIED WITH UNANIMOUS CONSENT.
- Meeting Room Format: The change in room layout from previous years is intended to facilitate discussion on important University policies and issues, and to foster the important role University Senate plays on campus. Meister encouraged senators to gather feedback from their constituents and raise items of interest or concerns on behalf of their representation units.

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- Grade Appeals Board: A new chair is needed for the University Grade Appeals Board. Dr. Carlos Hawley, Department of Modern Languages and current Board member, has agreed to serve in this capacity. MOTION (Sather-Wagstaff/Weber): to approve Dr. Hawley as chair of the Grade Appeals Board for a three-year term. MOTION CARRIED WITH UNANIMOUS CONSENT.

An alternate member to the Grade Appeals Board was sought from the University Senate membership. Jake Glower was nominated and nominations ceased. MOTION (Sather-Wagstaff/P. Nelson): to approve Glower as an alternate to the Grade Appeals Board. MOTION CARRIED WITH UNANIMOUS CONSENT.

## *C. V. Olson, Staff Senate President:*

- Staff Recognition: Among six state employees recognized by Gov. John Hoeven as recipients of this year's Governor's Award for Excellence in Public Service were two NDSU employees. Staff members Jean Hagen, Aerospace Studies, and Daniel Krogen, Facilities Management, were recognized for their dedication and contributions to NDSU and to the people of North Dakota. The awards were presented at a luncheon at the Capitol in Bismarck during State Employee Recognition Week.
- Homecoming: Staff Senate is planning a homecoming float with a pirate theme for the parade this fall.
- Staff Senator Openings: Staff Senate still has openings for senators, and University Senate members were asked to encourage staff to get involved in this opportunity.

## *D. A. Altstadt, Student Senate President:*

- Smoking Ban: A smoking ban was passed by the student body last spring with a higher-than-average voter turnout. Student Government is working with the College of Pharmacy, Nursing, and Allied Sciences to help with the advancement and smooth transition of this proposed university legislation.
- Library Task Force: A task force has been formed to study what students want and need in terms of library resources.
- Freshmen Leadership Organization: A freshmen leadership organization is being developed for students who want to become more involved and engaged on campus. The group will focus on leadership and showcase the many different organizations and clubs available on campus.

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- Computer Cluster Review: Student Government is analyzing computer clusters on campus in terms of usage in order to make recommendations for future needs.
- Early Semester SROI: A pilot program is being implemented in the College of Pharmacy, Nursing, and Allied Sciences so students and faculty have earlier opportunities to identify class issues and concerns.
- North Dakota Student Association: NDSA is meeting in Bismarck to discuss common issues and share ideas across the state institutions.
- Student Organization Advisors: Faculty/staff advisors are still needed for several student organizations on campus. Interested individuals should contact the Student Activities Office.
- Spinster Skip: Student Government is looking at reviving this old tradition at NDSU. It is a dance/social event for students, faculty and staff where females ask males, and prizes and competitions are involved.
- Homecoming Shirts: Order forms for yellow homecoming shirts are available at Student Government, Memorial Union.

## **Committee Reports**

### *A. Academic Affairs:*

A. Brundt reported the following:

- The Academic Affairs Committee is developing a syllabus template to include all University-required elements for such documents.
- Departments are encouraged to submit course proposals early. For new or changed courses to be taught in a given term, they should be approved through University Senate prior to the start of registration for that semester.

### *B. General Education: No report*

### *C. Council of College Faculties:*

Meister and Hinsz reported that two of three members of the CCF are in place, and a third member is sought to replace Michael Thrasher. An election for the open position will be held in the coming weeks. The role of CCF is to provide the faculty voice to the SBHE. Senators were encouraged to put forth names for this one-year replacement appointment.

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D. *Proposed By-Laws*: No report

E. *Policy Coordinating Committee*:

President-Elect Rupiper Taggart presented the following policies for discussion and vote:

1. Policy 103 – Equal Opportunity/Affirmative Action Policy on the Announcement of Position Openings ([Attachment 3](#)):

MOTION (Sather-Wagstaff/Rowe): to approve the policy changes as presented. Discussion centered on the rationale for having a time limit for spousal hires in section 4.9.

MOTION TO AMEND (Nelson/Glower): by replacing the first two sentences in section 4.9 as follows:

*'4.9*

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

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

*'When an employee has a spouse or partner who is fully qualified for a university position, the department or unit administrator is responsible to:'*

The Senate was reminded that Policy 100 is different than Policy 103, and that the original language complies with equal opportunity. Discussion continued on the important of female faculty retention on campus, and how the expanded language would foster this.

MOTION TO APPROVE AMENDMENT CARRIED WITH UNANIMOUS CONSENT.

MOTION TO AMEND (Viga/Rowe): with identified grammatical corrections (to be forwarded to the PCC for incorporation into this policy, subject to reasonable changes).

MOTION TO APPROVE AMENDMENT CARRIED WITH A VOTE OF: 58-4-1. The following senators or their substitutes voted aye: Affolter, Altstadt, Andersen, Berg, Biga, Bowlin, Brotherson, Brown, Carlson, Casey, Ciuperca, Council, del Rio Mendoza, Doan, Friesen, Gajan, Glower, Gordon, Grafton, Gramig, Grazul-Bilska,

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Gunderson, Hansen, Hoag, Jackson, Jayaraman, Johnson, Kelsch, Khan, Kong, Lee, Liguori, Manthey, May, McCaul, Meinhardt, Meister, Nelson, Nielsen, Okstad, Olson, Peterson, Popovici, Pryor, Reid, Rowe, Rupiper Taggart, Sather-Wagstaff, Schmeling, Schnell, Sherlock, Totten, Ulven, Vonnahme, Werremeyer, Wolfe, Zhang, and Ziejewski. The following senators or their substitutes voted no: Bilen-Green, Cilz, Clark Johnson, and Nagel. Senator Weber abstained.

MOTION TO REFER (Cilz/Gunderson): to PCC and request an updated report by the next Senate meeting. Additional questions arose on the reporting procedures for administrative head, and the exception status for cases under consideration should the proposed changes get approved.

AMENDMENT TO REFER BACK TO COMMITTEE FAILED WITH A VOTE OF 27-35-2: The following senators or their substitutes voted aye: Affolter, Altstadt, Bilen-Green, Bowlin, Brown, Cilz, Clark Johnson, Doan, Gajan, Gunderson, Jackson, Johnson, Liguori, Manthey, May, Meister, Nagel, Nelson, Okstad, Popovici, Reid, Riley, Rowe, Schmeling, Schnell, Totten, and Ulven. The following senators or their substitutes voted no: Andersen, Berg, Biga, Brotherson, Carlson, Casey, Ciuperca, Council, del Rio Mendoza, Friesen, Glower, Grafton, Gramig, Grazul-Bilska, Hansen, Hoag, Jayaraman, Kelsch, Khan, Kong, Lee, McCaul, Nielsen, Olson, Peterson, Pryor, Rupiper Taggart, Sather-Wagstaff, Sherlock, Vonnahme, Weber, Werremeyer, Wolfe, Zhang, and Ziejewski. Senators Gordon and Meinhardt abstained.

MOTION TO APPROVE ORIGINAL MOTION AS AMENDED CARRIED WITH A VOTE OF 53-10. The following senators or their substitutes voted aye: Altstadt, Andersen, Berg, Biga, Brotherson, Brown, Carlson, Casey, Ciuperca, Clark Johnson, Council, del Rio Mendoza, Doan, Friesen, Gajan, Glower, Gordon, Grafton, Gramig, Grazul-Bilska, Hansen, Hoag, Jackson, Jayaraman, Johnson, Kelsch, Khan, Lee, Manthey, May, Meinhardt, Meister, Nelson, Nielsen, Okstad, Olson, Peterson, Popovici, Pryor, Rowe, Rupiper Taggart, Sather-Wagstaff, Schmeling, Schnell, Sherlock, Totten, Ulven, Vonnahme, Weber, Werremeyer, Wolfe, Zhang, and Ziejewski. The following senators or their substitutes voted no: Affolter, Bilen-Green, Bowlin, Cilz, Gunderson, Kong, Liguori, Nagel, Reid, and Riley.

## 2. Policy 132 – Developmental Leave ([Attachment 4](#)):

MOTION TO REFER (Sather-Wagstaff/Gehrtz): to PCC for clarification on process, approval and funding/base stipend. Discussion ensued on the pros and cons of having an institutional policy on resources to fund developmental leave.

MOTION TO REFER POLICY BACK TO COMMITTEE CARRIED 37-23-1. The following senators or their substitutes voted aye: Affolter, Altstadt, Andersen, Biga, Bilen-Green, Brotherson, Brown, Casey, Cilz, Ciuperca, Council, del Rio Mendoza, Friesen, Gajan, Gramig, Grazul-Bilska, Gunderson, Hansen, Hoag, Jackson,

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Jayaraman, Kelsch, Khan, Lee, Manthey, Nagel, Nelson, Okstad, Popovici, Reid, Rowe, Sather-Wagstaff, Schmeling, Schnell, Ulven, Werremeyer, and Zhang. The following senators or their substitutes voted no: Berg, Bowlin, Carlson, Clark Johnson, Doan, Glower, Gordon, Grafton, Johnson, Kong, Liguori, May, Meister, Neilsen, Olson, Peterson, Pryor, Riley, Rupiper Taggart, Sherlock, Totten, Vonnahme, and Weber. Senator Meinhardt abstained.

### 3. Policy 139 – Leave With Pay ([Attachment 5](#)):

MOTION (Comez/Olson): to approve the policy changes as presented.

MOTION TO AMEND (Sather-Wagstaff-Biga): by adding and referencing the word ‘partner’ in section 1, so it reads as follows:

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

#### *1.1*

*Family means husband, wife, partner, or the son, daughter, father, mother, stepparents, brother, sister, grandparents, grandchildren, stepchildren, foster parents, or foster children of the employee, spouse or partner.*

Discussion was held on how institutional policy is impacted or driven by state policy, and the need to amend or create new corresponding NDSU policy.

MOTION TO AMEND CARRIED WITH A VOTE OF 42-15-1. The following senators or their substitutes voted aye: Affolter, Altstadt, Berg, Biga, Bilen-Green, Brotherson, Brown, Carlson, Casey, Cilz, Ciuperca, del Rio Mendoza, Friesen, Gajan, Gordon, Gramig, Grazul-Bilska, Gunderson, Jayaraman, Johnson, Kelsch, Khan, May, Meinhardt, Meister, Nagel, Nelson, Nielsen, Olson, Popovici, Pryor, Rowe, Rupiper Taggart, Sather-Wagstaff, Schnell, Sherlock, Ulven, Vonnahme, Weber, Werremeyer, Wolfe, and Zhang. The following senators or their substitutes voted no: Andersen, Bowlin, Clark Johnson, Doan, Glower, Hoag, Jackson, Kong, Lee, Liguori, Manthey, Patnode, Peterson, Reid, and Riley. Senator Grafton’s substitute abstained.

MOTION TO APPROVE POLICY 139 AS AMENDED CARRIED WITH A VOTE OF: (Carlson voted yes): 51-3. The following senators or their substitutes voted aye: Affolter, Altstadt, Andersen, Berg, Biga, Bilen-Green, Brotherson, Brown, Casey, Cilz, del Rio Mendoza, Doan, Friesen, Glower, Gordon, Grafton, Gramig, Grazul-Bilska, Gunderson, Hoag, Jackson, Jayaraman, Johnson, Kelsch, Khan, Kong, Liguori, Manthey, May, Meinhardt, Meister, Nagel, Nelson, Nielsen, Olson, Peterson,

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Popovici, Pryor, Reid, Rowe, Rupiper Taggart, Sather-Wagstaff, Schnell, Sherlock, Ulven, Vonnahme, Weber, Werremeyer, Wolfe, and Zhang. The following senators or their substitutes voted no: Bowlin, Clark Johnson, and Riley.

## 4. Policy 153 – Smoke-Free Campus ([Attachment 6](#))

MOTION (Nielsen/Weber): to approve Policy 153 as presented. Discussion followed on the lack of enforcement included in the policy language. It was reported that the University Police and Safety Office are reviewing that matter. Rationale for a smoking ban was questioned. A student vote supported a ban, and student feedback has focused on air quality and campus cleanliness, as well as concerns that the current smoking policy often is violated. Further comments were made on cessation education, grant allowances and limitations, and enforcement implications to campus visitors and contractors.

MOTION TO TABLE (Sather-Wagstaff/Weber): so senators may bring the proposed policy changes back to their representation units and to the Faculty Caucus before returning to University Senate for consideration. MOTION TO TABLE CARRIED WITH A VOTE OF: 43-9. The following senators or their substitutes voted aye: Biga, Brotherson, Brown, Carlson, Casey, Cilz, Ciuperca, del Rio Mendoza, Doan, Friesen, Gajan, Glower, Gordon, Grafton, Gramig, Grazul-Bilska, Gunderson, Hoag, Jackson, Jayaraman, Johnson, Kelsch, Khan, Kong, Lee, Liguori, May, Meinhardt, Meister, Nelson, Nielsen, Olson, Peterson, Pryor, Reid, Rupiper Taggart, Sather-Wagstaff, Sherlock, Ulven, Vonnahme, Weber, Wolfe, and Zhang. The following senators or their substitutes voted no: Affolter, Altstadt, Bowlin, Manthey, Nagel, Popovici, Rowe, Schnell, and Werremeyer.

Discussion on the following policies was deferred until the October meeting:

5. Policy 156 – Equal Opportunity Grievance Procedures ([Attachment 7](#))
6. Policy 212 – Overtime ([Attachment 8](#))
7. Policy 806 – Allowable Cost Policies – Summer Salary for Faculty and Staff ([Attachment 9](#))

## **New Business**

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

MOTION (Schnell/C. Peterson): to confirm the spring and summer graduates as presented. MOTION CARRIED WITH UNANIMOUS CONSENT.

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## **Adjournment**

President Meister called the meeting at 5:25 p.m.

Unfinished business will be carried over to the October meeting agenda.

Submitted,

Kristi Wold-McCormick, Ph.D.  
University Senate Secretary

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Attachment 1

## Academic Affairs Committee Report

### Approved Curricular Recommendations

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

# University Senate Standing Committees 2009-2010

Attachment 2

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

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

9/21/2009

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

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

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

9/21/2009

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

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## POLICY CHANGE COVER SHEET

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

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

Section:

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

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

Policy Committee:

University Senate:

Staff Senate:

Student Senate/Executive Board:

President's Council:

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

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

### SOURCE: NDSU President

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

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

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## 1.1

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

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

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

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

## 4.1

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

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## 4.2

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

## 4.3

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

## 4.4

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

## 4.5

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

## 4.6

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

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

## 4.7

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

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

## 4.8

An externally funded appointment as a postdoctoral fellow, research scientist or broadbanded research professional in a department where the individual has just completed an NDSU graduate degree and the

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assignment involves continuation of the research used for the individual's thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

## 4.9

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

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

-- contact Human Resources/Payroll Office and/or the relevant academic department(s) as soon as possible (depending on the spouse's/partner's education and experience); and

-- encourage the spouse/partner to make an appointment with a staff member in Human Resources/Payroll Office and/or with the head/chair of the appropriate unit to review the spouse's/partner's education and experience.

## 4.10

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

1) the employee had a satisfactory performance record; and

2) the employee is returning to a position requiring similar qualifications and having similar responsibilities; and

3) the position is within the department where he/she worked at the time of resignation.

## 4.11

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

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

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6. Exceptions to this policy may be authorized by the President in unique circumstances.

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

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## POLICY CHANGE COVER SHEET

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

**Section: *NDSU Policy 132: Developmental Leave***

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

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

Policy Committee: 05/20/2009

University Senate: 05/28/09

Staff Senate: 05/28/09

Student Senate/Executive Board:

President's Council: 05/28/09

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

Office of General Counsel (4/13/09)

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## SECTION 132: DEVELOPMENTAL LEAVE

### SOURCE: SBHE Policy Manual, Section 701.2

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

1.1 institutional resources are available.

1.2 workload is absorbed within the existing staff resource allocations.

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

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

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

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

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

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

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

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

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

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

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

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

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

3.1.6 *Anticipated/requested income during the leave*

*--University*

*--Other*

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

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

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

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

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

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

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

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## POLICY CHANGE COVER SHEET

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

### Section 139 – Leave with Pay

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

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

Policy Coordination Committee – 5/20/09

University Senate -05/28/09

Staff Senate -05/28/09

President's Council -05/28/09

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

Office of HR/Payroll

## SECTION 139: LEAVE WITH PAY

**SOURCE: NDUS Human Resource Policy Manual, Section 20**

**NDSU President**

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

### 1.1

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

### 1.2

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

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

### 2.1

When an employee is called as a witness on behalf of the state, and the University reimburses the employee for mileage, sustenance and room (which it may do), no witness fee or mileage may be claimed

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by said employee and no time shall be deducted from the absence of such employee and such employee shall be deemed to be performing duties or services for the State.

## 2.2

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

## 2.3

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

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

## 4.1

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

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

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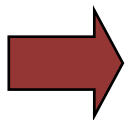
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Policy 153 v7 09/17/2009

## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

### SECTION: 153 – Smoke Free Campus

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

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

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

*Office of the General Counsel, 9/09/09*

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

*This portion will be complete by Kim Matzke-Ternes*

**Policy Committee:** 05/20/09 presented to PCC; 06/18/09 brought back to PCC; 08/19/09 PCC discuss; 09-09-09 "Tobacco Use" changed back to "Smoking" and will be brought back to PCC 09/17/09; 09/17/09 discussion at PCC that version of policy to be reviewed was unclear. Will resend correct version to all members 09/18/09.

**University**

**Senate:** 05/29/09 routed for input; 09/04/09 routed for Input; 09/18/09 corrected version distributed

**Staff Senate:** 05/29/09 routed for input; 09/04/09 routed for Input; 09/18/09 corrected version distributed

**President's Council:** 05/29/09 routed for input; 09/04/09 routed for Input; 09/18/09 corrected version distributed

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

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Policy 153 v7 09/17/2009

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

### SOURCE:

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

### Definitions:

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

### Policy:

1. Smoking is prohibited ~~in-on the~~ North Dakota State University ~~grounds~~ ~~Main Campus and Downtown Campus (including Renaissance Hall)~~ and in University buildings, residence halls, ~~apartments~~ and enclosed structures.
2. Smoking is not permitted in a child care facility or near children enrolled in the facility. (ND Century Code 50-11.1-02.2)
3. Outdoor smoking is permitted ~~in the N.D. Research and Extension Centers (excluding the Main Experiment Station), but~~ only in those outdoor areas at least 50 feet from buildings.
- ~~3.4. Entities exempted from Policy 153, Section 31 include private companies in the NDSU Research and Technology Park, leased properties~~ ~~facilities owned on land leased to and controlled by other governmental or private entities, Northern Crops Institute, and Newman Outdoor Field.~~
- ~~4. Entities exempted from Policy 153, Section 3 include private companies in the NDSU Research and Technology Park, leased properties, Northern Crops Institute, and Newman Outdoor Field.~~
- ~~4.5.~~ Smoking is prohibited in state-owned or leased vehicles and motorized equipment.
- ~~5.6.~~ The smoking prohibition does not apply to specific activities used in connection with the practice of traditional spiritual or cultural ceremonies. Ceremonial use exceptions must be approved in advance by the Vice President for Student Affairs.
- ~~6.7.~~ Faculty, staff, students and visitors to NDSU are covered by this policy.

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

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## POLICY CHANGE COVER SHEET

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

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

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

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

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

University Senate: 05/29/2009

Staff Senate: 05/29/2009

Student Senate/Executive Board:

President's Council: 05/29/2009

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

General Counsel

Equity and Diversity

## SECTION 156: EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

**SOURCE: NDSU President**

### 1. INTRODUCTION

#### 1.1

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

#### 1.2

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

#### 1.3

Parties (the grievant and party whose action is the subject of the grievance) to a grievance filed under this procedure will make every effort to comply with the established timelines for giving notices and

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completing actions related to the grievance. In extenuating circumstances, these timelines may be extended by the NDSU Vice President for Equity, Diversity and Global Outreach ("Diversity Officer") in consultation with the parties.

## 2. ADMINISTRATIVE REVIEW OF GRIEVANCE

### 2.1

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

#### 2.1.1

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

#### 2.1.2

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

#### 2.1.3

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

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

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

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## 4. GRIEVANCE HEARING

### 4.1

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

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

#### 4.1.1

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

#### 4.1.2

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

### 4.2

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

#### 4.2.1

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

#### 4.2.2

The committee shall attempt to schedule hearing sessions only when all of its members are able to be present. If the committee decides, however, that the parties interests are best served by scheduling a session even when one or more of the committee members are not able to be present, then the absent

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members shall be responsible for reviewing the tape recordings of that session to familiarize themselves with the evidence presented at that time.

## 4.2.3

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

## 4.2.4

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

## 4.2.5

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

## 4.2.6

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

## 4.2.7

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

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determining an appropriate administrative response to the findings, conclusions and recommendations.  
The decision of the President is final.

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

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## POLICY CHANGE COVER SHEET

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

### Section 212: Overtime

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

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

Policy Coordination Committee – 5/20/09

University Senate – 05/29/09

Staff Senate -05/29/09

President' s Council -05/29/09

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

Office of Human Resources/Payroll

## SECTION 212: OVERTIME

### SOURCE:

**NDSU President**

**NDUS Human Resource Policy Manual, Section 12**

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

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exempt depends on duties, responsibilities and salary. Contact the Office of Human Resources/Payroll for assistance in determining exempt status.

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

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

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Attachment 9

Draft 10 (9/14/09)

## POLICY CHANGE COVER SHEET

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

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

*Changes to reflect the new process for summer salary.*

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

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

Policy Committee: 1/18/08; 2/19/08; 3/18/08; 4/16/08; 5/21/08; 10/15/08; 11/12/08; 12/10/08; 05/20/09; 6/18/09; 08/19/09 discussed; disclaimer added – resent 09/14/09

University Senate: 05/29/09; 09/04/09 routed for Input; disclaimer added – resent 09/14/09

Staff Senate: 05/29/09; 09/04/09 routed for Input; disclaimer added – resent 09/14/09

President's Council: 05/29/09; 09/04/09 routed for Input; disclaimer added – resent 09/14/09

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

*HR/Payroll (1/15/08)*

### **SECTION 806:**

### **ALLOWABLE COST POLICIES - SUMMER SALARY FOR FACULTY AND STAFF**

#### **SOURCE: NDSU President**

1. Faculty or staff members on nine less than twelve month appointments working on sponsored agreements during the summer break in their contract dates are entitled to collect ~~summer~~ salary for the percentage of time worked. Individuals employed ~~for twelve weeks of during~~ the summer months break in contract dates may, to the extent

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Draft 10 (9/14/09)

allowed by the funding agency, receive compensation up to 3/9 of their base salary for the current contract period the equivalent of their current base salary per pay period. The contract period for nine month appointments coincides with the fiscal year. Less than full-time ~~summer~~ employment during the break in contract dates will be compensated accordingly.

2. If a faculty member is working on a sponsored agreement for more than one month, the salary earned for the summer must be collected in installments equal to the percentage of time worked each month.
3. All salary earned during the summer will be paid by use of a timeslip Change Form 101. Timeslips-Change Forms must be signed by the Department Head, Dean, ~~and~~ the Provost and Vice President for Academic Affairs Office, and the Equity, Diversity and Global Outreach Office.
4. Timeslips-Change Forms for the summer months break in contract dates ~~may be processed the same month services are performed~~ are processed in the same manner as all other payroll forms. The HR/Payroll Office must receive them by the 5th working day of the month in which they are submitted and there must be a statement on the timeslip that says SUMMER SALARY. Payment will occur at the end of the month. Forms for the 1<sup>st</sup>-15<sup>th</sup> of the month are due the 15<sup>th</sup> and will be paid on the last working day of the month. Forms for the 16<sup>th</sup>-last working day are due the last working day and will be paid on the 15<sup>th</sup> of the following month.

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

**DISCLAIMER:** Please note that this policy not only applies to summer salary, but also for other times when there is a break in contract dates.

HISTORY: July 1990; Amended April 1992, August 2007

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## Spring 2009 Graduates Degree Conferral Date: May 15, 2009

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

#### Bachelor of Science

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

Keaton Francis Heller  
Corey Lee Hoglund  
Kassie Marie Hohenstein  
Kacey Holm

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

Sarah Seefeld  
Kalie Rose Seltvedt  
Carla Dawn Sharp  
Mark Randall Simon  
Tellan Francis Steffan  
Ronald Arlan Storhaug  
Molly Taffe  
Ashley Erin Tedrow

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

#### Master of Science

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

#### Doctor of Philosophy

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

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

#### Bachelor of Arts

Marytza Beaubrun  
Carly Kay Boettcher  
Ryan Marie Borgen  
Angela C. Brant  
Nichole Elizabeth DeSautel  
Peter Garang Diing  
Rebekah Sue Drahosh  
Brittany Lynn Dressler  
Christopher Wayne Ellefson  
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Laton Allen Lohmann  
Trevor Matthew Magel  
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Corey Michael Nelson  
Caitlin Oestreich  
Brittany Ann Posey  
Ashleigh Nicole Pust  
Seth James Quintus  
Holly Ann Rust  
Danielle Leath Simpson  
Peter Stanley Stevenson  
Hannah Marie Strong  
Lana Waters

**Bachelor of Fine Arts**

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

**Bachelor of Science**

Amber M. Aaberg  
Amanda Airheart  
Alyssa Joy Albus  
Benjamin R. Anderson  
Sallie Jean Armstrong  
Heather L. Athey  
Paul Christopher Backowski  
Kelsey L. Baker  
Nataleeya Baruwa  
Alisia Jane Becker  
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Asa K. Burck  
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Traci Sue Evans  
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Joshua John Wolfe  
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Kirsten Rae Ellingson  
Jennie Beth Enger  
Carly Nicole Hearn  
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Pamela Anne Leino-Mills  
Ronda Portmann

**Master of Music**

Sarah Kaye Mueller

**Master of Science**

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**Bachelor of Accountancy**

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**Bachelor of Science**

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Patrick Harold Backowski  
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Kale Raymond Van Bruggen  
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Sean C. Woxland  
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**Master of Business Administration**

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Pushpakantha Rajapakse  
Brandon Pious Roehrich  
Shaminda Asela Samaraweera  
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Keembiyage Theekshana

**College of Engineering and Architecture**

**Bachelor of Landscape Architecture**

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Matthew John Kaczmarek  
Brennan Earl Laudal  
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Petar Milkov Valkov  
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Jessica Ann Winter  
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**Bachelor of Science in Agricultural and Biosystems**

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Paul Stellpflug  
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**Bachelor of Science in Civil Engineering**

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Christopher L. Capecchi  
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Michael David Vipond  
Aaron S. Vollmer  
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Robbyn Jon Rich  
Matthew Dwain Schauer  
Matthew Hadler Schwab  
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Luke Adam Stenoien  
Joseph Paul Striegel  
Savanah Nichole Wilson

**Bachelor of Science in Electrical Engineering**

George Casey Auen

Anthony Michael Bachmeier  
Yang Bai  
Jordan Bakke  
Erin Dawn Beard  
Dustin John Brecht  
Travis Gergory Brost  
Paul Andrew Brzezinski  
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Andrew J. Ellenson  
Darin Lee Evans  
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Micah L. Goldade  
Kane Joseph Iverson  
Kianoosh Karami  
Ajat Kataria  
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Zachary P. Schneider  
Brady Lucas Schultz  
Kurtis Semanko  
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Raymond D. Sukalski  
Birendra Thapa  
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**Bachelor of Science in Industrial Engineering and Management**

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Jacob Adam Chan  
Thomas A. Cinnamon  
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Kelsey A. Foldesi  
Nathan Bruce Granquist  
Jenna Shantelle Ludwig  
Scott McCamy  
Anthony W. Ross  
Jennifer A. Soydara  
Thomas Edward Steckler  
Neil Joseph Viola  
Brett Larry Winkelman

**Bachelor of Science in Manufacturing Engineering**

Matthew Ryan Bishoff  
Kinsey Lee Wallgren

**Bachelor of Science in Mechanical Engineering**

Jacob Eden Baer  
Nathan David Benson  
Scott James Berndt  
Ricky Lee Binstock

Kirk Jonathan Bottelberghe  
Craig Andrew Dahl  
Jonathan Peter Fettig  
Seth Matthew Froyum  
Michael Craig Heitkamp  
Shawn Lyle Jelinek  
Jordan Lee Johnson  
Kyle William Johnson  
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Jason Lunski  
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Jared Brent Peterson  
Natasha Marie Plemel  
Jeffrey K. Schield  
Yuichiro Shimohara  
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Zachary A. Stock  
Drew Thompson  
Leo Thomas Wehseler  
Shane Thomas Weigel  
Taylor Ted Zimmerman

**Master of Architecture**

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Lindsay Marie Beukhof  
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Scott A. Campbell  
Mary E. Cook  
Gregory Willis Elsner  
John Anthony Fahnhorst  
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Matthew Bradley Lunde  
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Troy Bertram Hall  
Mariam Hoseini  
Madhur Kadam  
Dheeraja C. Kaja  
Jason William Kopacz  
Devendar Mandala  
Gregory James Owen

**Doctor of Philosophy**

Nabiollah Abolfathi  
Benjamin Davis Braaten  
Michael Todd Reich  
Mahdi Sotudeh Chafi

***Graduate and Interdisciplinary Studies***

**Master of Science**

Alex Wheeler Buell  
K V Nirodha Sudershini Buddhika  
Laurel Lynne Moulton  
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**Doctor of Philosophy**

Chris Enyinda  
Christina L. Hargiss

***College of Human Development and Education***

**Bachelor of Arts**

Rhonda J. Nilles

**Bachelor of Science**

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JoVal Jean Wettlaufer  
Cherise Michelle Wry  
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**Doctor of Philosophy**

Cindy Lou Zahn

***College of Pharmacy, Nursing,  
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Ying Zhang  
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Dawn Marie Bjorgan  
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Nichole B. Roller  
Molly Christine Sax  
Stacie Ann Scholz  
Hannah Rose Schuler  
Laura Renee Seaver  
Kumrija Aianna Son  
Whitney Kaylene Stola  
Leann Katherine Streifel  
Megan Ann Swenson  
Jessica Maureen Swiers  
Corey Maureen Thorstad  
Kayla Marie Vick  
Brandi Ann Wald  
Shawn Lavonne Wing Schmidt

**Doctor of Nursing Practice**

Mary Jo McCracken

**Doctor of Pharmacy**

Isaac Aasen  
Jenna Lynn Anderson  
Trent Gregory Anderson  
Kara Margaret Axvig  
Alexis Lynn Barr  
Carl Jon Barron  
Malory Brooke Bjella  
Steven Lloyd Bladow  
Alanna Tracy Bowman  
Shelby Jane Carlson  
Kayla Michelle Clauson  
Philip M. Dilse  
Brian Kevin Engelman  
Heather Faye Entzel  
Sara J. Erickson  
Nicole Marie Fries  
Lucas Bradley Glarum  
Michael Gary Glessing  
Anne Carol Gorder  
Chelsea L. Greutman  
Kristin Lee Gussiaas  
Brandon J. Haas  
Brendan Leigh Hacker  
Ashley Marie Haefner  
Lee Hans Hanson  
Sara Kay Hermans

Marci Ann Jacobson  
Amy N. Johnson  
Nicolas David Kadrmas  
Erica Lea Kallenbach  
Matthew Lee Kapsner  
Jonathan Alan Keel  
Matt K. Kelly  
Jill Ashley Kertz  
Lola Margaret Kettler  
Kylian S. Kirkham  
Kimberly Sue Knain  
Rebecca Ann Knorr  
McCall Kari Kovar  
Chelsea Rose Lawler  
Kristen Lee LeClair  
Lance Donald LeClair  
Emily Jean Lentz  
Carmen A. Loff  
Jeffrey W. Ma  
Ardalan Mahinfalah  
Tonya Marie Mayfield  
Jennifer Ann Metz  
Aaron Michael Miller  
Kirby Allan Mohl  
Lynde Jo Monson  
Charles Kenneth Moore  
Ashley Rae Muscha  
John Russell Naegeli  
Patrick Netland  
Stephanie C. Noeske  
Michael Anthony Nowak  
Kevin F. Olander  
Dana Matthew Opsahl  
Ami Bharat Patel  
Ryan Joseph Petrich  
Ben J. Phipps  
Emily Claire Phipps  
Sarah Ruth Reinhart  
Nicholas D. Rogers  
Andrew Lee Ross  
Michelle Ann Ross  
Jesse D. Rue  
Brandon Paul Sis  
Dena Kay Smith  
David J. Sperl  
Erin Marie Stern  
Hannah Joy Surma  
Stephen James Syverson  
Jillian Lorine Wax  
Andrew Patrick Weir  
Ashlee Marie Zimbelman

Bethany Kurth  
David Oesterreich  
Angelina Pylka  
Alex George Samanta  
Tierney Dorene Schipper  
Gabrielle Schreier  
Jana Zawadzki Perez  
**Bachelor of Science**  
Melanie Elise Anderson  
Jason E. Axtman  
Paul R. Barnhart  
Timothy P. Barsness  
Margaret Baune  
Kyle Andrew Belmont  
Amanda M. Benz  
Jordan P. Boe  
Jonathan R. Boese  
Claire Marie Bollinger  
Konrad Bresin  
Shawna Rae Cale  
Joel Matthew Carr  
Kathy Chung  
Eryn Nichole DeBuhr  
Juan F. Del Rio Navarro  
Malarie Deslauriers  
Jenna Dobervich  
Erin Elizabeth Doerner  
Matthew Patrick Doucette  
Mary Eisenbeisz  
Curtis Engelhart  
Lana Christine Erickson  
Heidi Jo Agnes Fandrich  
David J. Faught  
Eliud Feliciano  
James B. Finch  
Nicholas Jeffrey Galt  
Michelle Gastecki  
Munmun Gupta  
Andrea Hanson  
Christopher Alan Hanson  
Steven S. Hanson  
Lindsay Marie Harris  
James Ronald Hegvik  
Gina M. Hendrickson  
Ryne Clark Hendrickson  
Rebecca Dawn Heyd  
Travis Lee Hoaglund  
Alecia Nicole Hommedahl  
Hunter Hubrig  
Rebecca Iwanicki  
Mark Stuart Jackson  
Jaime Lea Jensen  
Alaina Mae Johnson  
Megan Marie Johnson  
Casey Donald Jones  
Miho Kaneko

Kyle T. Kassman  
Arti Katiyar  
Kristen F. Keller  
Dustin Kerber  
Mamie Rose Knutson  
Demi Marie Kolke  
Kassandra Lee Kostecki  
Christopher James Kramer  
Daniel Joseph Kranda  
Tyler Joseph Kurtz  
Bradley Stephen Kvamme  
Kristi Anne Langerud  
Derick Todd Lanners  
Garrrick Leith  
Matthew Jacob Lennington  
Morgan Michelle Lien  
Ashley Rae Lindman  
Jennifer L. Locke  
Anthony Wayne Lynch  
Christopher Jay Mahrer  
Jennifer N. McDonald  
Lindsey Meas  
Anand Mehrotra  
Brian M. Mercier  
Brady Miller  
Jay D. Miller  
Susan Kay Mueller  
Mandy Kay Mullenberg  
Anthony James Nelson  
Arun NLN  
Vibhu Passi  
Benjamin Jay Paulus  
Terry Lee Payer  
Monica L. Petersen  
Danielle Marie Pinnick  
Matthew Ryan Pluim  
Nicole Golob Rand  
Shohreh Raoof  
Luke Jordan Richard  
Andrew Lewis Rodenburg  
Chelsie Jo Rust  
Matthew J. Samuelson  
Jerry Desmond Sauter  
Amy Lynn Schaefer  
Mallary Kay Schaefer  
Daniel J. Schelkoph  
Candice Marie Schlafmann  
John Michael Schmalenberg  
Katrina Rose Schmidt  
Eric David Seamands  
Cailyn Michal Settlemeyer  
Arun Sheoran  
Nicholas Steven Shores  
Matthew Smith  
Matthew David Stark  
Scott J. Stockdill

## ***College of Science and Mathematics***

### **Bachelor of Arts**

Elizabeth Barbara Braschayko  
Amanda Rose Freitag

Zachary T. Sundheim  
Mason Richard Swanson  
Kelli Jo Syltie  
Matthew Carl Thompson  
Kelsey Colleen Thorson  
David Dwight Torgerson  
Jeffrey Vernon Triplett  
Ryan Randel Unruh  
Kristin Elizabeth Uttenhove  
Elizabeth Clarissa Ward  
Emily Renee Wegner  
Shawn Edward Weissenfluh  
Erich Wilkerson  
Kellen Elaine Wiseman  
Chelsey Wongjirad  
Jennifer F. Wu  
Yi Zhang  
Lacey Nicole Zimmerman

Holly J. Scallon  
Kathryn Anna Myung Stenerson  
Elliot Franklin Thompson  
Lindsey L. Wasland

**Master of Science**

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

**Doctor of Philosophy**

Sameer Abufardeh  
Lawrence Igl  
Joshua K. Lambert

***College of University Studies***

**Bachelor of University Studies**

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

# University Senate Minutes

Fargo, ND 58105

North Dakota State University

September 14, 2009

Attachment 11

## Summer 2009 Graduates Degree Conferral Date: August 7, 2009

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

#### **Bachelor of Science**

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

#### **Master of Science**

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

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

#### **Bachelor of Arts**

Kevin Daniel Johnson  
Tyler John Klain

Tomoko Koda  
Erin K. Pearson

#### **Bachelor of Fine Arts**

Andrew Ray Arend

#### **Bachelor of Science**

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

#### **Master of Arts**

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

#### **Master of Science**

Lindsey Rae Bratvold Narloch  
Marlene Fischer  
Deborah Jean Maertens

Erika Lynn Schuler

#### **Doctor of Musical Arts**

Leesa Michelle Levy

#### **Doctor of Philosophy**

Julie Semlak

### ***College of Business***

#### **Bachelor of Accountancy**

Tanya Marie Mertes

#### **Bachelor of Science**

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

#### **Master of Business Administration**

Kyle David Leftwich  
Gregory Adam Wilson

### ***College of Engineering and Architecture***

#### **Bachelor of Science**

Marita D. Abe  
Thomas A. Adamietz  
Micah Deitz  
Alexander John Engle  
John Goodwin Holten

Dane Kinney  
Justin Edward Mann  
James Michael Thell

**Bachelor of Science in Agricultural and Biosystems**

Drew Thomas Thurlow

**Bachelor of Science in Civil Engineering**

Andrew J. Lang  
Jared Michael Risan

**Bachelor of Science in Computer Engineering**

Suman Anjna

**Bachelor of Science in Construction Engineering**

Stephanie Jean Roos

**Bachelor of Science in Construction Management**

Carl Gustav Anderson  
Allison Rose Nicholson

**Bachelor of Science in Electrical Engineering**

Christopher Benjamin Wallin

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

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

**Bachelor of Science in Mechanical Engineering**

Adam Christopher Graf  
Jayden Joseph Kovarik

**Master of Architecture**

Jackson Lloyd Strom

**Master of Science**

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

**Doctor of Philosophy**

Priyanthi Mangali Amarasinghe  
Lav Ramchandra Khot  
Mohammad Naser  
Sindhuja Sankaran

***Graduate and Interdisciplinary Studies***

**Master of Managerial Logistics**

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

***College of Human Development and Education***

**Bachelor of Science**

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

**Master of Education**

Jennifer Ann Arlien

**Master of Science**

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

**Doctor of Philosophy**

Jay M. Albrecht  
Debra Jane Byram  
Mary Donohue-Stetz  
Charles Pollitt Drake  
William Robert Frazier  
Carmelita Lamb  
Ngemunang Agnes Ngale Lyonga

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

**Bachelor of Science**

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

Courtney Ann Sessa  
Randi L. Vennes  
Luljeta Vllahiu  
Andrea Elizabeth Wald  
Wade Lee Wallner  
Caitlyn Rose Weisert

**Doctor of Nursing Practice**

Benjamin Ranstrom

***College of Science and Mathematics***

**Bachelor of Science**

Kelly Cantrell  
Ramneet Chhina  
Jacquelyn Renee Currie  
Scott M. Ennis  
Jacob M. Froehlich  
Geri Gean Glinsek  
Eunhye Han  
Dane M. Heid  
Brady Lee Helmer  
Trevor Ray Johnson  
Milind Khandal  
Tim D. Kronebusch  
Ajay Kumar  
Narayana Mazumder  
Mahalakshmi Razdan  
Nakul Sehgal  
Susbi Sharma  
Lucas John Andrew Swanholm  
Ashish Teotia  
Christopher Benjamin Wallin

**Master of Science**

Farhod Abdullayev  
Kevin Robert Betts  
Satheesh Chakravarthi  
Praveen Kumar Emmadi  
Annaji Sharma Ganti  
Rajani Garimedi  
Ramakrishnareddy Gooduru  
Vasumathi Guduru  
Alison Lynn Hagemeister  
Shamima Huq  
Cheng Jiang

Ramchandra Balkrishna Kadam  
Faraz Ahmed Katib  
Venkata Kurapati  
Joseph Manoharan Moses  
Durga Ramamurthy  
Yamaya Sosa Machado  
Aziz Djazilovich Takhirov  
Ambika Sashidhar Tirupathi  
Kari Jeanne Visconti  
Hui Zhao

**Doctor of Philosophy**

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

***College of University Studies***

**Bachelor of University Studies**

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

# University Senate Minutes

Fargo, ND 58105

North Dakota State University

October 12, 2009

The University Senate met at 3:30 p.m. in the Arikara Room of the Memorial Union with Dr. M. Meister presiding and the following senators present: S. Affolter, A. Altstadt, D. Andersen, E. Berg, P. Biga, W. Bowlin, K. Bromley, S. Brotherson, A. Brown, T. Carlson, N. Cilz, C. Ciuperca, V. Clark Johnson, J. Council, L. del Rio Mendoza, C. Friesen, K. Froelich, S. Gajan, M. Gehrtz, J. Glower, K. Gordon, K. Grafton, G. Gramig, A. Grazul-Bilska, P. Gunderson, P. Hansen, M. Hoag, A. Jackson, S. Jayaraman, B. Johnson, M. Kelsch, J. Kong, M. Lee, G. Liguori, F. Manthey, S. May, M. Nagel, P. Nelson, R. Nielsen, J. Okstad, V. Olson, C. Peterson, C. Popovici, M. Reid, T. Riley, J. Rowe, A. Rupiper-Taggart, S. Sather-Wagstaff, J. Sherlock, C. Ulven, K. Vonnahme, C. Weber, A. Werremeyer, D. Wittrock, K. Wolfe, and Q. Zhang

Substitutions: A. Schlicksup for S. Affolter, J. Shi for C. Bilen-Green, J. Schlucter for V. Doan, D. Hopkins for F. Casey, T. Peterson for R. Johnson, W. Zhang for J. Kong, M. Boetel for M. Khan, R. Magel for K. McCaul, D. Weinsenborn for S. Pryor, R.S. Krishnan for R.C. Schnell, and N. Haarstad for J. Sherlock

## **Approval of Minutes**

MOTION (Andersen/Altstadt): to approve the minutes of the September 14, 2009, meeting as posted. MOTION CARRIED WITH UNANIMOUS CONSENT.

## **Consent Agenda**

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

MOTION (Sather-Wagstaff/Cilz): to approve the Consent Agenda as posted. MOTION CARRIED WITH UNANIMOUS CONSENT.

## **General Announcements**

### *A. Mark Meister, President of University Senate:*

- 1. Thanked Senate Executive Committee members, with special appreciation extended to President-Elect Taggart for her good work and coverage of events while he was in the country of Georgia on an educational mission.
- 2. *Smoke Free Campus* – Senators can expect to see announcements and polls on this proposed policy in the near future.

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3. *Midterm Grading* - Midterm grading (exploratory implementation) has been postponed until spring semester. The provost and registrar will further develop the communication and implementation plans for faculty and students.

B. *A. Rupiper-Taggart, President-Elect of University Senate:*

A Faculty Caucus is scheduled for November 4, 3:30-5 p.m., in Century Theatre. Several agenda items have been submitted, including further discussion on the Smoke-Free Campus policy.

C. *V. Olson, Staff Senate President:*

1. Staff Senate is polling staff on their support for Policy 153 – Smoke Free Campus.
2. Staff Senate was in the homecoming parade and won the best float award for the Business Community Division.

D. *A. Altstadt, Student Senate President:*

- A midterm student evaluation of instruction test pilot is underway in the College of Pharmacy, Nursing and Allied Sciences. Midterm data will be compared to end of term data.
- A Community Service Day is being planned for students, faculty, and staff. It is a finale to NDSU's volunteer service project.
- Student Body President Altstadt and Vice President Schlicksup will deliver a State of Student address at end of November.
- Student Government is sponsoring an online service for NDSU students looking to buy and trade books with one another. It will offer book-buying safety as well as smart buying tips.
- Herd Hauler, a taxi service offered after bus hours, is being revamped based on student poll results.
- The Smoke Free Campus policy (153) is being studied further by Student Senate and its Executive Branch. Many schools' policies are being review to find best practices in education and enforcement.

## **Committee Reports**

1. *General Education:*

*Ad Hoc Undergraduate Curriculum Review Committee (Attachment 2 and 2a)*

L. Peterson, chair, presented a draft outline for membership and responsibilities of this proposed committee. He provided a historical background on the formation of the University's general education program. NDSU's current system is a hybrid model between a distribution of general education categories and student learning outcomes tied with courses.

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In recent years, the General Education committee began reviewing the current model to determine if it still meets needs of the University. Several individuals attended a GE Institute in Minneapolis that focused on revising general education. Stakeholder input now is being sought. The Higher Learning Commission's next NDSU visit is scheduled for 2016. NDSU's current GE model does not address questions and expectations of the commission, such as evidence of how well our students attain the learning outcomes and examples of how we use that evidence of how well they are learning to improve student learning.

Senate discussion focused on the composition of the proposed ad hoc committee. Concerns centered on the committee being faculty-driven. While an informal poll indicated Senate preference for non-faculty members to be ex-officio committee members, the need for all voices to be heard, including students, was expressed. Several suggestions were made for electing and/or appointing committee members.

## A. *Council of College Faculties:*

Meister announced that J. Glower was elected to fill the one-year appointment that was vacant on the CCF.

## B. *Policy Coordinating Committee:*

President-Elect Taggart presented the following policies for discussion:

### 1. *Policy 155 – Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees (Attachment 3)*

Preference was expressed for not including the bad effects of drinking in university policy. It was acknowledged that employees should be aware of the dangers and that information will be provided somewhere (links, procedures, etc.), but it is not appropriate in policy.

### 2. *Policy 156 – Equal Opportunity Grievance Procedures (Attachment 4)*

Concern was expressed that various classes of individuals listed do not reflect those included in the Discrimination Policy, including gender identity (sections 1.1 and 4.1.1.). Discussion ensued on the rationale for excluding 'tenured' faculty and the need to select members from diverse backgrounds. Concern also was expressed with section 4.2.1, which references a committee not yet formed to receive the written statement. It was recommended that titles of and references to various committees be made consistent throughout the policy, and that participation of witnesses be further examined.

### 3. *Policy 162 – Sexual Harassment Policy (Attachment 5)*

MOTION (Sather-Wagstaff/Carlson): to approve Policy 162 as presented. Concern was expressed with the language 'severe or pervasive' conduct. Federal law is

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referenced, but defines something different than in Title IX. MOTION (Rowe/Ghertz): to refer to committee. MOTION CARRIED WITH UNANIMOUS CONSENT.

#### 4. *Policy 700 – Services and Facilities Usage (Attachment 6)*

Questions were raised regarding the prohibitions and exceptions related to animals on campus. MOTION TO POSTPONE (Vohname/Grazul-Bilska): to gather more information and clarification on this policy. MOTION TO POSTPONE CARRIED WITH UNANIMOUS CONSENT.

### **Unfinished Business**

1. MOTION (Gunderson/Schlicksup): to remove Policy 153 – Smoke Free Campus – from the table. MOTION CARRIED WITH UNANIMOUS CONSENT. No discussion. MOTION (Gunderson/Rowe): to postpone Policy 153 until the November University Senate meeting. MOTION CARRIED WITH UNANIMOUS CONSENT.
2. MOTION (Sather-Wagstaff/ Schlicksup): to remove Policy 132 – Developmental Leave – from the table. MOTION CARRIED WITH UNANIMOUS CONSENT. No discussion. MOTION (Sather-Wagstaff/Rowe): to postpone Policy 132 until the November University Senate meeting. MOTION CARRIED WITH UNANIMOUS CONSENT.

### **Adjournment**

The meeting adjourned at 5 p.m.

Submitted,

Kristi Wold-McCormick, Ph.D.  
University Senate Secretary

# University Senate Minutes

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North Dakota State University

October 12, 2009

Attachment 1

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

### Curricular Recommendations

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

# University Senate Minutes

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North Dakota State University

October 12, 2009

Attachment 2

## Ad Hoc Undergraduate Curriculum Review Committee

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


## Ad Hoc Undergraduate Curriculum Review Committee

University Senate Discussion  
October 12, 2009

### UCRC Discussion


- Why now?
- "If it ain't broke, don't fix it."







### UCRC Discussion

- Background:
  - 1986: Unsuccessful GE revision
  - 1991-93: First campus-wide GE
    - 1991—7,678 undergraduates
    - Hybrid distribution & learning outcomes
  - 2007: GE Committee discussed options for improvement





### UCRC Discussion

- 2008: Birmingham & Peterson prepared report for Provost
- 2009: Provost sent team (Harrold, Martin, Myhre, McCaul, Peterson) to GE Institute
- 2009: Team presented action plan to Provost & met with Deans




### UCRC Discussion

- 2016: Reaccreditation Visit
- Five Essential Questions about GE
- 1) How are your stated student learning outcomes appropriate to your mission, programs, students, and degrees?
- 2) What evidence do you have that students achieve your student learning outcomes?





### UCRC Discussion

- 3) In what ways do you analyze and use evidence of student learning?
- 4) How do you ensure shared responsibility for student learning and assessment of student learning?
- 5) How do you evaluate and improve the effectiveness of your efforts to assess and improve student learning?



### UCRC Discussion

- Proposed Committee
- **Faculty-driven, campus-specific vision**
- Campus-wide discussion: What should all NDSU graduates know, understand, and be able to do?
- How are those learning outcomes woven throughout their undergraduate experiences?



### UCRC Discussion

- Can we agree on student learning outcomes that:
- Focus on student learning, not categories & credits?
- Integrate the major, GE, & co-curricular?
- Promote a coherent educational experience?
- Align with our mission?
- Are assessable?

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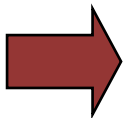
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## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

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

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

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

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

*General Counsel 07/08/09*

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

*This portion will be complete by Kim Matzke-Ternes*

#### Policy

Committee: 08/19/09 presented;

#### University

Senate: 09/04/09 Input;

#### Staff Senate:

09/04/09 Input;

#### President's

Council: 09/04/09 Input;

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

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# NDSU

NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

## POLICY MANUAL

For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

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

#### SOURCE:

NDSU President

SBHE Policy Manual, Section 918

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

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

3. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and that there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students and employees to ~~the~~ NDSU ~~Counseling Center and Disability Services~~ ~~Center~~ ~~Ceres~~ 212, or to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the Employee Assistance Program provided by the Village (1-800-627-8220) or in the Fargo area (701) ~~235-6433~~ ~~451-4900~~. Employees may refer students in need of services to Counseling ~~Center and Disability Services-Center~~ at (701) 231-7671. ~~While evaluation for alcohol, drug abuse and/or addiction is not available on campus~~ ~~[L3]~~, Counseling ~~Center and Disability Services-Center~~

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staff will work with the students to find appropriate community services. Referral information from Counseling and Disability Services Center is also available to those wishing to refer individuals to off campus agencies. Faculty, staff and students can access information on available drug and alcohol prevention programs the university offers by going to the Alcohol and Other Drug Prevention Programs website. [this has link to URL, but it does not show in review format]

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

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

3.2 Specific health risks of alcohol and drug abuse include:

a. Alcohol:

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

b. Drugs:

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

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

\* Student Newspaper (The Spectrum)

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

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- 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's, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.
- b. Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.
- c. Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.
- d. Advertising of establishments that sell alcohol shall include a statement of low-risk such as "know when to say when" or "please use our products legally and in a responsible manner".

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

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

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

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

~~5.1.2—Restitution.~~

~~5.1.3—Confiscation.~~

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

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

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

~~5.1.7—Educational sanction/project.~~

~~5.1.8—Warning (written or oral).~~

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~~5.1.9 Probation.~~

~~5.1.10 Suspension.~~

~~5.1.11 Emergency suspension.~~

~~5.1.12 Expulsion.~~

~~5.1.13 Voluntary withdrawal.~~

~~5.1.14 Registration/graduation hold.~~

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

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

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

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

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

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

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

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

## 5.2 Notice and Sanctions - Employees

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

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

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

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

5.2.1 Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;

5.2.2 Disciplinary action for a violation of university alcohol or drug policy up to and including termination of employment. Disciplinary action may include one or more of the following:

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

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

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

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

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## POLICY CHANGE COVER SHEET

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

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

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

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

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

University Senate: 05/29/2009

Staff Senate: 05/29/2009

Student Senate/Executive Board:

President's Council: 05/29/2009

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

General Counsel  
Equity and Diversity

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## SECTION 156: EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

SOURCE: NDSU President

### 1. INTRODUCTION

#### 1.1

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

#### 1.2

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

#### 1.3

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

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

#### 2.1

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

##### 2.1.1

The review is initiated by completing the NDSU Formal Equal Opportunity Grievance Form (available from the NDSU ~~Office of for the Vice President for~~ Equity, ~~and~~ Diversity and Global Outreach ~~Office~~) and filing it with the Diversity Officer, ~~in the Office of the Vice President for Equity, and Diversity and Global Outreach~~. Unless the

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~~Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~ stipulates otherwise, the grievance form must be submitted within six months of the alleged violation.

## 2.1.2

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

## 2.1.3

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

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

4. 3.1. If the grievant and party whose action is subject to of the grievance both agree to mediate, the provisions of Policy 350.5-Mediation shall apply ~~RDJ81~~ for all employees.

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

## ~~3.1~~

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

## ~~3.1.1~~

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~~The negotiators' responsibilities shall be to (1) determine the facts relevant to the grievance, (2) discuss the application of equal opportunity laws, regulations and policies, (3) attempt to resolve the grievance through further discussion and negotiation and, if that is unsuccessful, (4) refer the case to the hearing committee below or to another duly constituted University hearing committee such as the Grade Appeals Board or a Faculty Special Review Committee. Unless there are extenuating circumstances, the negotiators will complete their work within 30 working days.~~

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

### 4.1

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

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

### 4.1.1

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

### 4.1.2

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

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## 4.2

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

### 4.2.1

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

### 4.2.2

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

### 4.2.3

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

### 4.2.4

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

### 4.2.5

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

### 4.2.6

The committee shall consider both oral testimony and written evidence. Upon receipt of any written statement or evidence provided by any party to the committee, the committee shall promptly provide the other party with a copy of such material. The committee can

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

#### 4.2.7

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

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

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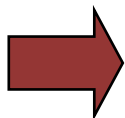
North Dakota State University

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Attachment 5

## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

### SECTION: 162: Sexual Harassment Policy

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

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

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

*Office of the General Counsel*

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

*This portion will be complete by Kim Matzke-Ternes*

Policy

Committee: 09/17/09 Presented to PCC

University

Senate:

Staff Senate:

President's

Council:

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

### SECTION 162: SEXUAL HARASSMENT POLICY

#### SOURCE: NDSU President

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

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

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

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

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

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

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

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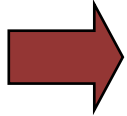
North Dakota State University

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Attachment 6

## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

### SECTION: *Policy 700 Services and Facilities Usage*

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

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

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

*VPFA*

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

*This portion will be complete by Kim Matzke-Ternes*

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

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

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

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

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

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## SECTION 700: SERVICES AND FACILITIES USAGE

### *SOURCE:*

*NDSU President*

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

#### 1.1

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

#### 1.2

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

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

#### 2.1

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

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

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

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

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

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

## 4.2 Exceptions:

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

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

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

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

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

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

4.2.7 Animals used in law enforcement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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The University Senate met at 3:30 p.m. in the Plains Room of the Memorial Union with Dr. M. Meister presiding and the following senators present: S. Affolter, A. Altstadt, D. Andersen, E. Berg, P. Biga, C. Bilen-Green, J. Bitzan, W. Bowlin, K. Bromley, S. Brotherson, A. Brown, N. Cilz, C. Ciuperca, V. Clark Johnson, J. Council, L. del Rio Mendoza, V. Doan, C. Friesen, K. Froelich, S. Gajan, M. Gajan, M. Gehrtz, K. Gordon, G. Gramig, A. Grazul-Bilska, P. Gunderson, P. Hansen, M. Hoag, A. Jackson, S. Jayaraman, B. Johnson, R. Johnson, M. Kelsch, B. Law, M. Lee, F. Manthey, S. May, K. McCaul, S. Meinhardt, M. Nagel, P. Nelson, R. Nielsen, J. Norris, J. Okstad, V. Olson, C. Peterson, C. Popovici, S. Pryor, M. Reid, T. Riley, A. Rupiper-Taggart, S. Sather-Wagstaff, R.C. Schnell, J. Sherlock, C. Weber, A. Werremeyer, D. Wittrock, K. Wolfe, and M. Ziejewski

Substitutions: L. Overstreet for F. Casey, C. Logue for K. Grafton, S. Markel for M. Khan, G. Walia for J. Kong, K. Miller for G. Liguori, C. Hall for F. Manthey, L. Helstern for G. Totten, F. Azarmi for C. Ulven, and C. Hammer for K. Vonnahme

## Approval of Minutes

MOTION (Sather-Wagstaff/Gehrtz): to approve the minutes of the October 12, 2009, meeting as posted. MOTION CARRIED WITH UNANIMOUS CONSENT.

## Consent Agenda

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

MOTION (Sather-Wagstaff/C. Peterson): to approve the Consent Agenda as posted. MOTION CARRIED WITH UNANIMOUS CONSENT.

## General Announcements

### A. *Provost and Vice President for Academic Affairs* –

Provost Schnell reported the following:

- Recently attended meetings for the Legislative Higher Education Interim Committee, a cooperative meeting between ND and MN institutions, Chancellor's Cabinet, and Academic Affairs Council (AAC).
- During the AAC meeting, the **STEM prefix** was approved by a small margin, and will now go to Chancellor for final approval.
- **Remedial courses** are being discussed across the state as some believe NDSU and UND offer too many remedial courses to underprepared students. Services are in place to assist students academically, including tutoring, TRIO, etc.
- **Three-year degrees** are gaining popularity as a means to reduce tuition expenses.
- Long-term finance plans with performance clauses are of interest to the legislature, and would result in a funding model more in line with new accreditation standards.
- **Tuition models** are being discussed statewide, including differential tuition based on program, flat fee tuition, per credit tuition, and various residency rates. As a system, approximately \$24 million in waivers are granted each year.

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- **Graduation rates** are being studied closely, using IPEDS as a national standard. NDSU's rate is a little over 50%, but tracking students who transfer out yield higher percentages of over 70%.

## B. *President Elect of University Senate-*

Rupiper Taggart reported the following:

- The first **faculty caucus** of the year went well and significant feedback was generated. Based on faculty interest, a second caucus is scheduled for Thursday, December 3, 3:30-5 p.m., in Century Theatre. The agenda will include items not covered during the first caucus due to time constraints, including academic dishonesty, transparency for raises, and plus/minus grading. Additional discussion on previous items may take place if time allows.
- A straw poll link was emailed recently to gain a broader perspective of faculty interest and support on issues related to the smoking ban, a faculty senate, and the library. Clarification was sought on those eligible to participate in the straw poll, and it was determined that only faculty eligible to participate in the caucus should complete the survey.

## C. *Staff Senate President-*

V. Olson reported the following:

- Staff Senate passed Policy 153: Smoking Ban at its last meeting by a vote of 35-23. NDSU staff was polled via electronic and paper means, with a 43% participation rate. Sixty-percent of staff voted in favor of and 40% vote against the proposed smoking ban. Of administrators polled, 75% supported the ban.

## D. *Student Senate President-*

Shawn Affolter reported the following on behalf of Student Body President Altstadt:

- Student Government is looking into next steps with Policy 153: Smoking Ban.
- Student Government is conducting research on the library related to NDSU's student activity fee compared to peer institutions, how to address library deficits, and sustainable funding of electronic journals.
- The Technology Commission is looking at an interface to support book sales between students on campus, similar to *Craig's List*.
- NDSU will send a delegation to the NDSA meeting in Minot this month.
- The Fill-the-Dome drive is underway with collection boxes located in various buildings across campus. Students, faculty and staff are encouraged to donate non-perishable food items by November 20.

## Committee Reports

### A. *Policy Coordinating Committee -*

A. Rupiper Taggart presented the following policies for discussion:

1. Policy 335: Code of Academic Responsibility and Conduct ([Attachment 2](#)) -

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- Limited discussion was held on the appeals process, a peer jury system, and the number of days in which a response must be received.
2. Policy 350.3: Board Regulations on Nonrenewal; Termination or Dismissal of Faculty ([Attachment 3](#)) -
- Senators discussed the level of faculty voice in decisions, and the roles of University Senate Executive Committee and Academic Affairs Committee in relation to this policy. It was recommended that the Standing Committee on Faculty Rights be considered a replacement for these two committees in this policy process.

## **Unfinished Business**

Action was taken on the following policies previously postponed:

- A. *Policy 153: Smoking Ban* – MOTION (Biga/McCaul): to postpone policy until the December meeting of University Senate.
- B. *Policy 132: Developmental Leave* – MOTION (Sather-Wagstaff/Biga): to refer policy back to PCC committee.
- C. *Policy 700: Services and Facilities Usage* - MOTION (Biga/Gehrtz): to postpone policy until the December meeting of University Senate.

## **New Business**

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

A resolution, that was originally initiated by students, was presented to the Senate on behalf of the standing Library Committee. MOTION (Nagel/Weber): to approve the resolution as presented.

MOTION (Schnell/McCaul): to amend the fifth ‘whereas’ clause in the proposed resolution to read:

*“WHEREAS, ~~the Provost and Vice President for Academic Affairs and the Dean of the Libraries at NDSU~~ NDSU administration, faculty, staff and students support the development of a new main library at NDSU and this resolution, and...”*

Discussion ensued on insertion of language regarding faculty support when faculty sentiment has not yet been established on this issue. It was suggested to wait for results of the faculty straw poll before approving this amendment and resolution. It also was clarified that the students support additional research on this issue.

MOTION TO AMEND CARRIED WITH A VOTE OF 50-12-1. The following senators or their substitutes voted aye: Affolter, Andersen, Berg, Bilen-Green, Bromley, Brotherson,

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Brown, Cilz, Ciuperca, Clark Johnson, Council, del Rio Mendoza, Doan, Froelich, Gajan, Gehrtz, Gordon, Grafton, Gramig, Grazul-Bilska, Gunderson, Hansen, Haring, Hoag, Jackson, Jayaraman, Johnson, Johnson, Lambert, Law, Lee, Liguori, McCaul, Meinhardt, Michael, Nelson, Nielsen, Okstad, Olson, Peterson, Popovici, Pryor, Schnell, Sherlock, Totten, Ulven, Vonnahme, Weber, Wolfe, and Ziejewski. The following senators or their substitutes voted no: Biga, Bitzan, Bowlin, Casey, Friesen, Kelsch, Kong, Manthey, Meister, Rupiper Taggart, Sather-Wagstaff, and Werremeyer. Senator Wittrock abstained.

MOTION (Biga/McCaul): to postpone additional discussion and vote until after the straw poll results are analyzed. It was clarified that this motion is a postponement to the next meeting, which allows the resolution to be brought back to the respective senates to gather feedback and support. MOTION TO POSTPONE UNTIL THE DECEMBER MEETING CARRIED WITH A VOTE OF 55-6. The following senators or their substitutes voted aye: Affolter, Andersen, Berg, Biga, Bilen-Green, Bitzan, Bowlin, Bromley, Brotherson, Brown, Casey, Ciuperca, Council, del Rio Mendoza, Doan, Friesen, Froelich, Gajan, Gehrtz, Gordon, Grafton, Gramig, Grazul-Bilska, Gunderson, Hansen, Haring, Hoag, Jackson, Jayaraman, Johnson, Kelsch, Law, Lee, Liguori, Manthey, McCaul, Meister, Nagel, Nelson, Nielsen, Okstad, Olson, Peterson, Popovici, Pryor, Rupiper Taggart, Sather-Wagstaff, Sherlock, Totten, Vonnahme, Weber, Werremeyer, Wittrock, Wolfe, and Ziejewski. The following senators or their substitutes voted no: Cilz, Johnson B., Lambert, Meinhardt, Schnell, and Ulven.

## **Adjournment**

Meeting adjourned at 4:20 p.m.

Submitted,  
Kristi Wold-McCormick, Ph.D.  
University Senate Secretary

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Attachment 1

## Academic Affairs Committee Report

### Curricular Recommendations

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

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<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>
BUSN	310	International Business	3	BUSN	<b>340</b>	International Business	3
BUSN	435/ 635	International Business Law	3	BUSN	<b>440/ 640</b>	International Business Law	3
BUSN	436/ 636	Law of Electronic Commerce	3	BUSN	<b>433/ 633</b>	Law of Electronic Commerce	3
BUSN	451	Managerial Economics	4	BUSN	<b>487</b>	Managerial Economics	4
BUSN	340	Principles of Finance	3	<b>FIN</b>	<b>320</b>	Principles of Finance	3
BUSN	441/ 641	Investment Analysis and Management	3	<b>FIN</b>	<b>410/ 610</b>	Investment Analysis and Management	3
BUSN	443/ 643	Management of Financial Institutions	3	<b>FIN</b>	<b>430/ 630</b>	Management of Financial Institutions	3
BUSN	444/ 644	Money and Capital Markets	3	<b>FIN</b>	<b>450/ 650</b>	Money and Capital Markets	3
BUSN	445/ 645	International Finance	3	<b>FIN</b>	<b>440/ 640</b>	International Finance	3
BUSN	446	Corporate Finance	3	<b>FIN</b>	<b>460</b>	Corporate Finance	3
BUSN	740	Advanced Financial Management	3	<b>FIN</b>	740	Advanced Financial Management	3
BUSN	350	Foundations of Management	3	<b>MGMT</b>	<b>320</b>	Foundations of Management	3
BUSN	351	Foundations of Organizational Behavior	3	<b>MGMT</b>	<b>330</b>	Foundations of Organizational Behavior	3
BUSN	352	Operations Management	3	<b>MGMT</b>	<b>360</b>	Operations Management	3
BUSN	450/ 650	Human Resource Management	3	<b>MGMT</b>	450/ 650	Human Resource Management	3
BUSN	452/ 652	Compensation Management	3	<b>MGMT</b>	452/ 652	Compensation Management	3
BUSN	453	Understanding and Managing Diversity in Organizations	3	<b>MGMT</b>	453	Understanding and Managing Diversity in Organizations	3
BUSN	454/ 654	International Management	3	<b>MGMT</b>	<b>440/ 640</b>	International Management	3
BUSN	455/ 655	Negotiation and Alternative Dispute Resolution	3	<b>MGMT</b>	<b>451/ 651</b>	Negotiation and Alternative Dispute Resolution	3
BUSN	456	Entrepreneurship/Small Business Management	3	<b>MGMT</b>	<b>470</b>	Entrepreneurship/Small Business Management	3
BUSN	457/ 657	Leadership in Organizations	3	<b>MGMT</b>	<b>430/ 630</b>	Leadership in Organizations	3
BUSN	458/ 658	Labor-Management Relations	3	<b>MGMT</b>	<b>454/ 654</b>	Labor-Management Relations	3

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<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>
BUSN	481/ 681	Supply Chain Management	3	<b>MGMT</b>	<b>461/ 661</b>	Supply Chain Management	3
BUSN	750	Advanced Organizational Behavior	3	<b>MGMT</b>	750	Advanced Organizational Management	3
BUSN	360	Foundations of Marketing	3	<b>MRKT</b>	<b>320</b>	Foundations of Marketing	3
BUSN	362	Foundations of Retailing	3	<b>MRKT</b>	362	Foundations of Retailing	3
BUSN	372	Global Retailing	3	<b>MRKT</b>	372	Global Retailing	3
BUSN	460/ 660	Consumer Behavior	3	<b>MRKT</b>	<b>410/ 610</b>	Consumer Behavior	3
BUSN	461/ 661	Advertising and Integrated Marketing Communication	3	<b>MRKT</b>	<b>420/ 620</b>	Advertising and Integrated Marketing Communication	3
BUSN	462/ 662	Sales and Sales Force Management	3	<b>MRKT</b>	<b>430/ 630</b>	Sales and Sales Force Management	3
BUSN	463/ 663	Marketing Research	3	<b>MRKT</b>	<b>450/ 650</b>	Marketing Research	3
BUSN	464/ 664	International Marketing	3	<b>MRKT</b>	<b>440/ 640</b>	International Marketing	3
BUSN	465	Marketing Strategy	3	<b>MRKT</b>	<b>460</b>	Marketing Strategy	3
BUSN	466/ 666	Services Marketing	3	<b>MRKT</b>	<b>470/ 670</b>	Services Marketing	3
BUSN	467/ 667	Sports Marketing	3	<b>MRKT</b>	<b>480/ 680</b>	Sports Marketing	3
BUSN	760	Strategic Marketing Management	3	<b>MRKT</b>	760	Strategic Marketing Management	3
MICR	363	Clinical Parasitology	2	MICR	<b>463/ 663</b>	Clinical Parasitology	2
PHRM	465	Cultural Competence in Pharmacy	3	PHRM	<b>465/ 665</b>	<b>Cultural Competence in Health Care</b>	3

# University Senate Minutes

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North Dakota State University

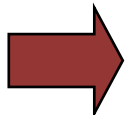
November 9, 2009

Attachment 2

Policy 335 Version 1-2 9/21/0910/19/09

## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

SECTION: **335: Code of Academic Responsibility and Conduct**

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

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

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

*General Counsel*

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

*This portion will be complete by Kim Matzke-Ternes*

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

University Senate:

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

Staff Senate:

President's  
Council:

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

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November 9, 2009

Attachment 2

Policy 335 Version 1-2 9/21/0910/19/09

**NDSU**

NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

## POLICY MANUAL

For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

### SECTION 335: CODE OF ACADEMIC RESPONSIBILITY AND CONDUCT

#### SOURCE: NDSU University Senate Policy

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

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

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- b. Faculty members have the prerogative of determining the penalty for prohibited academic conduct in their classes. Faculty members may, among other sanctions, fail the student for the particular assignment, test, or course involved. Penalties may be varied with the gravity of the offense and the circumstances of the particular case. In this situation, the student may not drop the course in question without the permission of the instructor. Faculty members will provide a written statement of the action to the department chair, dean, and Provost and Vice President for Academic Affairs. In the case of the graduate students, the graduate dean will also be notified.
- c. In addition to the prerogative above, or if the student is not enrolled in his or her course, the faculty member may recommend a disciplinary sanction to the dean of the college in which the infraction occurred. If the student is not enrolled in this college, the dean will forward the charge to the dean of the student's home college. That dean may impose academic warning or probation in the college, or the dean may recommend suspension or expulsion to the Academic Standards Committee as outlined in Section 4 [of this policy]. If the student is not enrolled in the college where the infraction occurred, the dean of the college for the student must be informed before the disciplinary sanction is imposed and may impose a disciplinary sanction for that college, also.

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

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

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- Court, and the other student shall be a student senator for that college appointed by the student body president.
4. A student may be suspended or expelled for prohibited academic conduct by the Academic Standards Committee in accordance with the following procedure:
    - a. The dean must notify the student that they will recommend suspension or expulsion to the Academic Standards Committee, but the student must be given two school days to file a written notice of appeal with the Student Progress Committee before the recommendation is presented to the Academic Standards Committee.
    - b. The student may appeal the recommendation of suspension or expulsion to the Student Progress Committee as outlined in section 3.b. above.
    - c. The Academic Standards Committee may impose suspension or expulsion, if an appeal with the Student Progress Committee is not in progress.
  5. A degree previously awarded may be rescinded if it is determined that the ~~graduate's~~ recipient's actions taken to obtain the degree involved fraud, deceit, error, or misconduct. The degree conferring college reserves the right to recommend to the Provost, with notice to the Vice President for Student Affairs, the rescission of any wrongfully obtained degree(s). The Dean of Student Life may also recommend to the Provost, with notice to the Vice President for Student Affairs, the recommendation to rescind a degree based on actions (directly related to obtaining a degree) in violation of the Code of Student Behavior.
    - a. Written notice of the concerns and recommendation to rescind the ~~graduate's~~ recipient's degree(s) shall be sent via certified mail with return receipt to the ~~graduate~~ recipient, with a hold placed on the student's record, if applicable. The graduate will have 30 days after the notice was received to respond in writing or request a hearing with the conferring college's Academic Standards Committee for undergraduate degree holder, or the Graduate Council for graduate level degree holders. A recommendation by the Committee or Council to the Provost whether to rescind the degree(s) shall be made within 30 days after a response is received or hearing is completed.
    - b. A decision by the Provost shall be made within 30 days after receiving the recommendation. The ~~graduate~~ recipient has 10 days after receiving the Committee or Council recommendation to respond, in writing, to the Provost. Notice of the decision whether to rescind the degree(s) shall be sent to the respondent via certified mail with return receipt.
    - c. The respondent may file an appeal of this decision with the President of the University within 30 days of receiving the notice of the decision. The President's decision will normally be made within 30 days after receiving the appeal.

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

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

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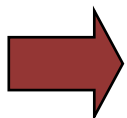
November 9, 2009

Attachment 3

Policy 350.3 Version 12 9/2228/0910/19/09

## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

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

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

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

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

Provost  
*General Counsel*

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

*This portion will be complete by Kim Matzke-Ternes*

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

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

Staff Senate:

President's  
Council:

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu)*

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**NDSU**

NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

## POLICY MANUAL

For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

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

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

1. A probationary appointment may be terminated, without cause, with notice to the faculty member that the appointment will not be renewed.

- a. Notice shall be given:

- (1) At least 90 days prior to termination during the first year of probationary employment at the institution.
- (2) At least 180 days prior to termination during the second year of probationary employment at the institution.
- (3) At least one year prior to termination after two or more years of probationary employment at the institution.

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

- b. A department chair, dean or other person authorized under institution policies to give such notice shall provide written notice of the decision, including a reference to the policy section pursuant to which the action is taken. The faculty member may within

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ten calendar days after receipt of the notice request a reconsideration by the deciding body or individual. The faculty member may incorporate a request for mediation in the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.

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

2. An institution may terminate a probationary appointment, effective at the end of any contract term, with no less than 90 days notice of nonrenewal, based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is terminated pursuant to this subsection, the provisions of subsection 1 do not apply.
3. A special appointment terminates at the end of the term stated on the contract and may be renewed at the discretion of the institution.
4. A faculty member on probationary or special appointment may, within twenty calendar days after receipt of notice of nonrenewal of a probationary appointment or termination of a special appointment or, if the faculty member requests reconsideration or the parties agree to mediation under paragraph b of subsection 1, within twenty calendar days of receipt of the results of the reconsideration or conclusion of mediation, request review of the decision and hearing by Standing Committee on Faculty Rights by filing written notice with the deciding body or individual and the chair or senior member of the Standing Committee on Faculty Rights. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). The institution shall, within twenty calendar days of receipt of the written notice and specifications, provide a written response to the faculty member and the chair of the Standing Committee on Faculty Rights.
5. A faculty member may terminate an appointment effective at the end of the term of the appointment by giving notice in writing at the earliest possible opportunity, but not later than May 15, or one month after receiving notification by the institution of the terms of

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an appointment for the coming academic year, whichever date occurs later. The faculty governance structure at an institution may recommend procedures permitting a faculty member to request a waiver of this deadline in case of hardship or for other good cause defined by those procedures. An institution may provide that failure without reasonable cause by a faculty member to return a contract by the time set forth in the contract shall constitute a resignation. Any return time so established by the contract shall be reasonable.

## *Resignation or Retirement*

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

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

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- c. The provisions of section 605.4 (*NDSU 350.4*) do not apply when a tenured faculty member is terminated under this subsection. The faculty member may, however, within twenty calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.
7. In accordance with section 305.1 of these policies, the faculty governance structure at each institution shall adopt procedures by which faculty participation is solicited before notice of termination is given any tenured faculty member pursuant to subsection 6. Faculty participation shall be solicited concerning:
- a. The extent to which there are grounds for termination of tenured appointments;
  - b. Judgments determining where within the overall academic program termination of appointments may occur; and
  - c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.
- (1) *An administrative decision to terminate a tenured faculty member within the university shall be preceded by the following steps:*
- ~~a) Consultation with the Executive Committee of the University Senate regarding the extent to which there are grounds for termination of tenured appointments.~~
  - ~~b) Consultation with the Academic Affairs committee of the University Senate regarding the justification for terminating tenured appointments, if that is a consequence of the decisions; and~~
  - ~~e)a) Consultation with the dean of Academic Affairs committee, or the equivalent, of the the college or equivalent unit involved regarding the justification for terminating tenured appointments.~~
  - ~~d)b) Consultation with the faculty in an academic unit or program regarding the consequences of the decision. termination of tenured appointments.~~
- (2) *Once the administration decision is finalized following these consultations, the identification of faculty members for termination shall be made by the University president following recommendations by the dean.*

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

*The written notice of termination or dismissal from the President must in any event be given within 60 days of the initial written notice of intent to terminate or dismiss.*
  - b. A faculty member may, within twenty calendar days of receipt of notice of intent to forward to the institution president a recommendation to dismiss, request for a formal hearing before the Standing Committee on Faculty Rights, pursuant to section 605.4. (NDSU 350.4)
  - c. Pending a final decision on dismissal for adequate cause, the faculty member may be suspended by the institution's president, or assigned to other duties in lieu of suspension, if it is reasonably determined that it is in the best interests of the faculty member or the institution to do so. The faculty member's salary and fringe

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benefits shall continue during a period of suspension. Salary and benefits shall be terminated upon a final decision by the ~~the~~ institution president to dismiss the faculty member following conclusion of proceedings at the institution.

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

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

# University Senate Minutes

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November 9, 2009

Attachment 4

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

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

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

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

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

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

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

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

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

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

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

# University Senate Minutes

Fargo, ND 58105

North Dakota State University

December 14, 2009

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The University Senate met at 3:30 p.m. in the Plains Room of the Memorial Union with Dr. A. Rupiper Taggart presiding and the following senators present: S. Affolter, A. Altstadt, D. Andersen, E. Berg, P. Biga, C. Bilen-Green, J. Bitzan, K. Bromley, S. Brotherson, A. Brown, T. Carlson, N. Cilz, C. Ciuperca, J. Council, V. Doan, C. Friesen, K. Froelich, S. Gajan, M. Gehrtz, K. Gordon, P. Gunderson, P. Hansen, R. Hanson, D. Hauck, M. Hoag, A. Jackson, S. Jayaraman, B. Johnson, R. Johnson, M. Khan, J. Kong, M. Lee, G. Liguori, F. Manthey, S. May, S. Meinhardt, M. Nagel, P. Nelson, R. Nielsen, J. Norris, V. Olson, C. Peterson, C. Popovici, S. Pryor, S. Sather-Wagstaff, R.C. Schnell, J. Sherlock, G. Smith, B. Sundeen, C. Ulven, C. Weber, A. Werremeyer, D. Wittrock, K. Wolfe, Q. Zhang

Substitutions: L. Overstreet for F. Casey, J. Deal for V. Clark Johnson, J. Venette for K. Grafton, D. Scott for M. Kelsch, G. McKee for D. Lambert, W. Reed for K. McCaul, L. Helstern for G. Totten, K. Carlin for K. Vonnahme, and Y. Suzen for M. Ziejewski

## **Approval of Minutes**

MOTION (Sather-Wagstaff/Weber): to approve the minutes of the November 9, 2009, meeting as posted. MOTION CARRIED WITH UNANIMOUS CONSENT.

## **Consent Agenda**

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

MOTION (Sather-Wagstaff/Biga) to approve the consent agenda as posted. The course change from PLSC 219 to NRM 219 was removed from the consent agenda to be sent back to the Academic Affairs Committee for cross-listing consideration. MOTION TO APPROVE CONSENT AGENDA AS AMENDED CARRIED WITH UNANIMOUS CONSENT.

## **General Announcements**

### *A. NDSU President Richard Hanson-*

Interim President Hanson shared his values and his charge through June 2010. He welcomed questions during the Senate and announced his availability for individual conversations. Hanson discussed challenges he faced and goals he met during his presidency of Waldorf College in Iowa. He announced that his first goal at NDSU is to 'keep school,' which include faculty continuing to provide excellent environments for learning, research and service; making sure classes are adequately staffed; and maintaining our position as a prestigious research university. His secondary goals are to prepare the University for the next president, and to ensure a clean transition for that individual, which includes a thorough budget review and analysis.

# University Senate Minutes

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North Dakota State University

December 14, 2009

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His guiding values as interim president include:

- 1) Transparency – in operations and decisions
- 2) Accountability – on all possible levels, including relations with the press, media, colleague institutions, and the state board
- 3) Credibility

## *B. President Elect of University Senate-*

A. Rupiper Taggart reported that two more faculty caucuses were held since the last Senate meeting. One caucus dealt with a resolution to express faculty wishes in the hiring of a new university president. The other caucus provided a forum for discussion on plus/minus grading, a registry of cheaters, and transparency in salaries. No response to date has been received by the SBHE or NDUS on the presidential hiring resolution presented by the faculty.

## *C. Staff Senate President-*

V. Olson reported the following:

- Staff Senate passed a resolution supporting the student's resolution on a new library.
- In December, a blood drive was held on campus and 54 units were collected.
- Staff Senate has been participating in the Salvation Army's kettle fund drive.
- The third annual Valentines Ball will be held Saturday, February 20. Faculty participation is being sought.

## *D. Student Body President-*

A. Altstadt provided the following updates on behalf of Student Government:

- Computer clusters are being evaluated in determining student technology needs.
- Early semester review of instruction is being piloted in the College of Pharmacy, Nursing and Allied Sciences.
- The Student Government Technology Council is working on its goal of getting wireless access in all residence halls.
- Libraries and library services of peer institutions are being reviewed. Consideration is being given to the composition and sustainability of the library task force.
- The State of Student address was held recently with Altstadt's and Schlicksup's accomplishments and goals highlighted to date.
- Some leadership changes in Student Government are needed due to recent graduations and turnover.
- Dead Week went well with no known reports of student concerns.

## **Committee Reports**

A. *General Education* – Ad Hoc Undergraduate Curriculum Review Committee  
([Attachment 3](#))

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L. Peterson, chair, reintroduced the proposed guidelines for an ad hoc committee on general education. He shared that, regionally, UND's president highlighted in his state of the university address the importance of integrating liberal arts for all students, as well as higher intellectual and practical skills. Peterson also presented national trends for general education that focus on student learning outcomes. Representatives from high level agencies, including NCA, SACS, ABET, NCATE, ACE, CHEA recently convened to discuss these issues. The traditional approach that the major is separate from general education is being replaced with a more integrated approach so students have high level skills, abilities and knowledge by the time they graduate.

MOTION (Sather-Wagstaff/Biga): to approve the proposal for an ad hoc undergraduate curriculum review committee as presented.

Discussion ensued on the clarity between general education review and the ongoing faculty review of curricula in departments across campus. Questions also were raised on the implementation and role of Senate in the ultimate approval of a new plan for general education.

MOTION CARRIED WITH A VOTE OF 55-5-1. The following senators or their substitutes voted aye: Affolter, Altstadt, Andersen, Berg, Biga, Bitzan, Bromley, Brotherson, Brown, Carlson, Casey, Cilz, Ciuperca, Clark Johnson, Council, Doan, Friesen, Froelich, Gajan, Gehrtz, Gordon, Gunderson, Hansen, Haring, Hauck, Hoag, Jackson, Jayaraman, B. Johnson, R. Johnson, Kelsch, Khan, Kong, Lee, Manthey, McCaul, Nielsen, Norris, Olson, Peterson, Popovici, Pryor, Rupiper Taggart, Sather-Wagstaff, Schnell, Sherlock, Smith, Ulven, Vonnahme, Weber, Werremeyer, Wittrock, Wolfe, Zhang, and Ziejewski. The following senators or their substitutes voted no: Lambert, Liguori, Meinhardt, Nagel, and Nelson. Senator Grafton abstained.

## B. *Policy Coordinating Committee* – Policy 153: Smoke Free Campus ([Attachment 4](#))

A. Rupiper Taggart presented Policy 153 for discussion and vote.

MOTION (Nielsen/Peterson): to approve the original policy, which did not include the last parenthetical statement as presented. MOTION TO AMEND (Jackson/Liguori): by adding the parenthetical statement, beginning with 'Dangers of smoking can be found at...' back into the policy for consideration.

MOTION TO AMEND CARRIED WITH UNANIMOUS CONSENT.

Opposition to this policy was voiced based on lack of enforcement, smokers being forced off campus, negative impacts on productivity, and waste on campus with fewer receptacles. Objections also were presented on philosophical grounds of dictating

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behavior as well as the lack of research on the negative effects of outdoor smoking. Supporters cited the model of a courtesy system as is used at UND, and clarified that receptacles with signage would remain on campus. The goal is to change campus norms about smoking.

Senators were reminded of the results of staff and student votes as well as the faculty straw poll. Discussion concluded with policy impacts on properties not governed by NDSU, and the responsibility of employees to report or confront smokers.

MOTION TO APPROVE POLICY AS AMENDED CARRIED WITH A VOTE OF 35-24-2. The following senators or their substitutes voted aye: Affolter, Altstadt, Bilen-Green, Bitzan, Bromley, Brotherson, Brown, Carlson, Cilz, Clark Johnson, Doan, Froelich, Gehrtz, Gunderson, Hansen, Hauck, Hoag, Jackson, R. Johnson, Kelsch, Kong, Lee, Liguori, Nagel, Nelson, Nielsen, Olson, Peterson, Popovici, Rupiper Taggart, Schnell, Sherlock, Vonnahme, Werremeyer, and Zhang. The following senators or their substitutes voted no: Andersen, Berg, Biga, Casey, Ciuperca, Council, Friesen, Gajan, Gordon, Grafton, Haring, Jayaraman, B. Johnson, Lambert, Manthey, McCaul, Meinhardt, Pryor, Sather-Wagstaff, Smith, Sundeen, Ulven, Weber, and Ziejewski. Senators Khan and Wittrock abstained.

## *C. Senate Ad-hoc Sustainability Task Force –*

A. Altstadt introduced K. Schindelbeck to discuss the current state of the Sustainability Task Force on campus. Numerous sustainability efforts are underway, but due to their decentralized nature, tracking and communicating these efforts is a challenge. Due to staff and student turnover, more participation by faculty, staff and students is needed.

Better communication is a goal of the task force, and a web site is being developed to promote and share campus sustainability issues and projects on campus. Consideration also is being given to a sustainability center or office to coordinate such efforts. To date, outdoor waste receptacles have been replaced with trash/recycling bins across the campus.

## **Unfinished Business**

### *University Senate Resolution Supporting the Construction of a New Library -*

Discussion was held during the November Senate meeting, but a vote to support this resolution was postponed (attachment available at <http://www.ndsu.edu/fileadmin/senate.ndsu.edu/200910/minutes/sm200911.pdf>).

MOTION (Altstadt/Affolter): to take the library resolution matter from the table.

MOTION (Biga/Weber): to postpone further discussion and vote until the January 2010

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meeting of the University Senate. MOTION CARRIED WITH UNANIMOUS  
CONSENT.

## **Adjournment**

The meeting adjourned at 4:30 p.m.

Submitted,

K. Wold-McCormick, Secretary  
University Senate

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Attachment 1

## Academic Affairs Committee Report

### Approved Curricular Recommendations

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

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Attachment 2

## General Education

### Approved General Education Recommendations

Approved General Education Recommendations

**Outcomes Key:**

1. Communicate effectively in a variety of contexts and formats.
2. Locate and use information for making appropriate personal and professional decisions.
3. Comprehend the concepts and perspectives needed to function in national and international societies.
4. Comprehend intrapersonal and interpersonal dynamics.
5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society.
6. Integrate knowledge and ideas in a coherent and meaningful manner.
7. Comprehend the need for lifelong learning.

**Courses Approved for General Education (New)**

Course No.	Course Title	Recommended Categories	Recommended Outcomes
HON 340	Colloquium in the Humanities	A	1, 6
HON 341	Colloquium in the Social Sciences	B	1, 6
HON 342	Colloquium in the Sciences	S	1, 6

**Courses Withdrawn from General Education List of Approved Courses**

Course No.	Course Title	Categories	Dept or GE Request
BIOL 151	General Biology II	S(n)	Department
BIOL 151L	General Biology II Laboratory	S(n)	Department
MUSC 201	World Music	A, D	Department

**Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes**

Course No.	Course Title	Categories	Outcomes
BIOL 126/ ZOO 126	Human Biology	S(n)	2, 5
CDFS 242	Couples, Marriages, and Families	W	4, 6
PLSC 210	Horticultural Sciences	S(n)	5, 6

**Continued Approval (5-Year Renewal) for General Education with Changes in Outcomes**

Course No.	Course Title	Categories	Previous Outcomes	Recommended Outcomes
ADFM 411	Food and World Cultures	A, D	1, 3, 6	3, 6

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Attachment 3

## Ad Hoc Undergraduate Curriculum Review Committee

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

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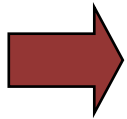
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Attachment 4

## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

### SECTION: **153 – Smoke Free Campus**

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

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

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

*Office of the General Counsel, 9/09/09*

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

*This portion will be complete by Kim Matzke-Ternes*

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

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

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

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

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

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Attachment 4

# NDSU

NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

## POLICY MANUAL

For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

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

#### SOURCE:

**SBHE Policy Manual, Section 917**

**North Dakota Century Code 50-11.1-02.2**

**NDSU President**

#### Definitions:

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

#### Policy:

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

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Attachment 4

~~1. Entities exempted from Policy 153, Section 3 include private companies in the NDSU Research and Technology Park, leased properties, Northern Crops Institute, and Newman Outdoor Field.~~

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

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

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

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

~~7. \_\_\_\_\_~~

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

• POLICY MANUAL HOME PAGE :

• SEARCH POLICY :

• NDSU HOME PAGE

[NDSU PolicyManual](#)

Last Updated: Tuesday, July 1, 2008

Published by North Dakota State University

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The University Senate met at 3:30 p.m. in the Plains Room of the Memorial Union with Dr. M. Meister presiding and the following senators present: M. Abdelrahman, A. Altstadt, D. Andersen, P. Biga, C. Bilen-Green, W. Bowlin, K. Bromley, S. Brotherson, A. Brown, T. Carlson, N. Cilz, C. Ciuperca, V. Clark Johnson, J. Council, L. del Rio Mendoza, V. Doan, C. Friesen, K. Froelich, K. Gordon, K. Grafton, A. Grazul-Bilska, P. Gunderson, M. Hoag, R. Johnson, M. Kelsch, M. Khan, J. Kong, M. Lee, G. Liguori, F. Manthey, S. May, K. McCaul, S. Meinhardt, M. Nagel, P. Nelson, R. Nielsen, V. Olson, C. Peterson, S. Pryor, M. Reid, A. Rupiper Taggart, S. Sather-Wagstaff, R.C. Schnell, G. Totten, C. Ulven, A. Werremeyer, and K. Wolfe

Substitutions: K. Black for S. Affolter, B. Williams for E. Berg, B. Bahrami for J. Bitzan, L. Overstreet for F. Casey, A. Brunt for P. Hansen, C. Boerboom for D. Hauck, S. Lim for R. Hearne, J. Knodel for D. Lambert, R. Vallie for J. Okstad, M. Bocea for C. Popovici, L. Helstern for C. Weber, and K. Rue for Q. Zhang

## **Approval of Minutes**

MOTION (Andersen/Pryor): to approve the minutes of the December 14, 2009, meeting as posted. MOTION (Sather-Wagstaff/Biga): to amend minutes to reflect statement made by President Hanson regarding the suspension of professional development grants. MOTION TO APPROVE MINUTES AS AMENDED CARRIED WITH UNANIMOUS CONSENT.

## **Consent Agenda**

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

MOTION (Sather-Wagstaff/Bowlin): to approve the Consent Agenda as posted. MOTION PASSED WITH UNANIMOUS CONSENT.

## **General Announcements**

### *A. Provost/VP Academic Affairs:*

Provost Schnell reported the following related to budgets and enrollment:

- Two sub-committees have been formed to deal with campus budget adjustments, looking at both appropriated and local funds.
- President Hanson has notified the campus community that salary savings and operating budget cuts will help balance the budget.
- The temporary hiring freeze has been lifted.
- Spring enrollment is strong with increases in international and graduate students.

### *B. President of University Senate:*

M. Meister encouraged senators to participate in the presidential search processes. Semi-finalist interviews have been relocated from Minneapolis to Fargo, and are scheduled for April 9-11 at the Fargo Ramada Inn.

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## *C. University Senate President Elect:*

A. Rupiper Taggart announced a spring Faculty Caucus scheduled for March 1, 10 a.m. in Century Theatre. She presently is calling for agenda items. One topic of discussion will be the establishment of a faculty senate.

## *D. Staff Senate President:*

V. Olson promoted the upcoming Valentine's Ball. Tickets are available from Staff Senators (\$15 for faculty, staff and alumni, \$5 for students and \$8 per student couple). Proceeds will go to Staff Senate scholarships.

## *E. Student Body President:*

A. Altstadt reported the following on behalf of Student Government:

- Activity fees increases of .40/credit/semester were approved to help fund student organizations. The library fee was doubled to \$1.68/credit to cover operational fees, including online journals and references.
- A recent study on computer clusters has found that the largest uses of clusters by students are printing and study groups. The study's goal is to decrease traffic in clusters by implementing a new printing model on campus, which includes printing queues strategically located around campus, and possibly consolidating smaller clusters.
- Based on a survey of the student body, funding was approved to expand the Memorial Union's hours to 7 a.m.-2 a.m. Sunday-Thursday.
- Student Government passed a resolution to improve academic space based on President Hanson's call for capital improvement projects. The resolution focuses on improvements in classrooms, labs and library facilities.
- The Smoke Free Campus policy (153) was presented to President Hanson and will take effect March 1, 2010. Communication and promotional materials are being prepared. Ty Patterson of Ozarks Technical Community College's Center of Excellence for Tobacco Free Campus will visit NDSU to help facilitate the transition to a smoke-free campus. His emphasis is on respect for individuals, campus and the environment as well as for self compliance.

## **Committee Reports**

### *A. Academic Affairs – Change in Credits for Undergraduate Major ([Attachment 3](#))*

A. Brunt presented a change to the minimum credits (from 24 to 32) required for an undergraduate major. This institutional minimum is being adjusted to meet new criteria passed by the State Board for Higher Education.

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## B. *General Education - Essential Learning Outcomes* ([Attachment 4](#))

L. Peterson presented general education learning outcomes under consideration by an interim General Education Council within the ND University System. MOTION (Sather-Wagstaff/Biga): to accept the proposed general education learning outcomes as presented.

Feedback was sought from senators on whether these outcomes meet NDSU's institutional and academic goals. The outcomes-based model is based on Liberal Education & America's Promise (LEAP) initiatives. Schools in several states already have implemented these general education outcomes, including WI and CA (OR, VA and UT are in the discussion process). Peterson has met with the NDSU members of the Council of College Faculties and the University Senate Executive Committee regarding the proposal.

Discussion ensued on the various outcome categories with questions raised on whether students would need courses in each category or a sampling of them; how courses would be assessed on a campus or state level; implications of the personal/social responsibility category, which is new for many public institutions; how this model is different from the general education framework currently in place; expected improvements in student learning as a result of this model; and whether this model would change the total number of credits required for general education.

MOTION CARRIED WITH UNANIMOUS CONSENT.

## C. *Council of College Faculties:*

J. Glower reported that V. Hinsz is a candidate for the State Board of Higher Education's representative from CCF. Glower is a candidate for president of CCF for the coming academic year.

## D. *Senate Special Committee on Bylaws:* ([Attachment 5](#))

D. Comez presented committee-proposed updates to the Senate bylaws. Nelson raised a question on the language in section 5.i related to which ex-officio members have voting rights. The one month waiting period to remove a president also was discussed. Rupiper Taggart suggested a one-two week time period before calling a special Senate meeting to vote.

Glower raised discussion on the Research and Consulting Committee. Concern was expressed related to the committee not being independent with elected membership as other Senate committees, as well as the role of research administration in regard to faculty research. He recommended that faculty serve as chair of this committee.

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## E. Policy Coordinating Committee:

A. Rupiper Taggart presented the following policies for discussion and vote:

### 1. Policy 132 – Developmental Leave ([Attachment 6](#))

Changes are proposed to make the policy more clear as it relates to non-academic staff. MOTION (Andersen/Hoag): to approve the policy changes as presented.

Suggestions were made by several senators to consistently reference titles and organizations throughout the policy. The words ‘*or head*’ were inserted after ‘*department chair*’ in section 3.2; and ‘*unit*’ was inserted after ‘*college*’ in 3.1.4. Language in *Note* section of 3.2 was modified to align with 3.1.4 and to read, “...*as it benefits the individual, students, department, ~~and~~ college/unit, university and state...*”

It was recommended to clarify in section 1.3 whether negotiated stipend must be approved at a higher administrative level. MOTION (Schnell/Clark Johnson): to modify language in 1.3 to read “...*The proposal shall also include the detail of the source of funds for the total stipend, which would be negotiated with the appropriate supervisor and subject to final approval.*”

MOTION TO AMEND CARRIED WITH UNANIMOUS CONSENT.

MOTION (Schnell/Clark Johnson): to delete the term ‘the Chancellor’ from section 2 and remove the statement, “*developmental leave for system office staff shall be approved by the Chancellor;*” as this only applies to the system level. Discussion was held on whether this line can be removed since it is SBHE policy. MOTION TO AMEND CARRIED WITH UNANIMOUS CONSENT.

Further discussion was held on wait periods between developmental leave requests, which is not stipulated in the policy currently.

MOTION TO APPROVE POLICY 132 AS AMENDED CARRIED WITH UNANIMOUS CONSENT.

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## 2. Policy 139 – Leave with Pay ([Attachment 7](#))

Proposed policy changes are to make language consistent with SBHE policy, and to address institutional closures more broadly than just during storm situations. Questions were raised as to why the Senate's previously amended language to include partners is not included in the latest version of the policy. It was removed by NDSU general counsel on the grounds that it is not consistent with SBHE policy. A second opinion by the NDUS legal counsel was recommended. Provost Schnell suggested that CCF and student representatives try to formally get this policy language changed at the SBHE level. A final suggestion was made to further expand the definition of family to include aunts, uncles, nieces, nephews, etc.

MOTION (Pryor/Biga): to amend language in section 1 - Funeral Leave, to read "*...as a result of a death of a family member or partner, or in the family of an employee's spouse or partner.*" Discussion continued on the definition of 'partner.' MOTION TO APPROVE AMENDMENT CARRIED WITH A VOTE OF 40-7-1. The following senators or their substitutes voted aye: Altstadt, Biga, Bromley, Brotherson, Carlson, Casey, Ciuperca, Clark Johnson, Council, del Rio Mendoza, Doan, Friesen, Froelich, Gordon, Gunderson, Haring, Hoag, Jayaraman, Kelsch, Kong, Lee, Liguori, Manthey, Meinhardt, Nagel, Nielsen, Olson, C. Peterson, Popovici, Pryor, Reid, Rupiper Taggart, Sather-Wagstaff, Schnell, Totten, Ulven, Vonnahme, Weber, Werremeyer, and Wolfe. The following senators or their substitutes voted no: Andersen, Bitzan, Bowlin, Brown, Grazul-Bilska, Hansen, and Okstad. Senator Hearne abstained.

Question was raised on the definition of 24 working hours, and the impacts on international faculty with family overseas.

MOTION TO APPROVE POLCIY 139 AS AMENDED CARRIED WITH UNANIMOUS CONSENT.

MOTION (Black/Nagel): to suspend rules on the remaining items (3 and 4) under Policy Coordinating Committee, and proceed to New Business.

3. Policy 156 – Equal Opportunity Grievance Procedures ([Attachment 8](#))
4. Policy 350.3 – Board Regulations on Nonrenewal; Termination or Dismissal of Faculty ([Attachment 9](#))

MOTION CARRIED WITH UNANIMOUS CONSENT.

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## **New Business**

M. Meister presented the following items for discussion and vote:

A. *Senate Special Committee on Policy Coordination* – ([Attachment 10](#))

MOTION (Sather-Wagstaff/Rupiper Taggart): to approve the establishment of a special committee on policy coordination as presented.

MOTION TO AMEND (Nagel/Altstadt): to add student representation to the committee. MOTION TO AMEND FAILED WITH A VOTE OF 7-34-1. The following senators or their substitutes voted aye: Affolter, Altstadt, Brown, Gunderson, Nagel, Okstad, and Reid. The following senators or their substitutes voted no: Andersen, Biga, Bowlin, Brotherson, Casey, Ciuperca, Council, del Rio Mendoza, Friesen, Froelich, Glower, Gordon, Grazul-Bilska, Hansen, Haring, Hoag, Jayaraman, Kelsch, Kong, Lee, Meinhardt, Meister, Olson, C. Peterson, Popovici, Pryor, Rupiper Taggart, Sather-Wagstaff, Totten, Ulven, Vonnahme, Weber, Werremeyer, and Wolfe. Senator Schnell abstained.

ORIGINAL MOTION CARRIED WITH A VOTE OF 40-2-1. The following senators or their substitutes voted aye: Affolter, Altstadt, Andersen, Biga, Bowlin, Brotherson, Brown, Casey, Ciuperca, Council, del Rio Mendoza, Friesen, Froelich, Glower, Gordon, Grazul-Bilska, Gunderson, Hansen, Haring, Hoag, Jayaraman, R. Johnson, Kelsch, Lee, Meinhardt, Meister, Okstad, Olson, C. Peterson, Popovici, Pryor, Rupiper Taggart, Sather-Wagstaff, Schnell, Totten, Ulven, Vonnahme, Weber, Werremeyer, and Wolfe. The following senators or their substitutes voted no: Nagel and Reid.

B. *Senate Special Committee on Faculty Senate* – ([Attachment 11](#))

MOTION (Andersen/Sather-Wagstaff): to approve the establishment of a special committee on faculty senate as presented. MOTION CARRIED WITH A VOTE OF 41-2. The following senators or their substitutes voted aye: Affolter, Altstadt, Biga, Bowlin, Brotherson, Brown, Casey, Ciuperca, Council, del Rio Mendoza, Friesen, Froelich, Glower, Gordon, Grazul-Bilska, Gunderson, Hansen, Haring, Hoag, Jayaraman, R. Johnson, Kelsch, Kong, Lee, Meinhardt, Meister, Okstad, Olson, C. Peterson, Popovici, Pryor, Reid, Rupiper Taggart, Sather-Wagstaff, Schnell, Totten, Ulven, Vonnahme, Weber, Werremeyer, and Wolfe. The following senators or their substitutes voted no: Andersen and Nagel.

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*C. Senate Special Committee on Academic Dishonesty – ([Attachment 12](#))*

MOTION (Sather-Wagstaff/Biga): to approve the establishment of a special committee on academic dishonesty as presented. MOTION CARRIED WITH UNANIMOUS CONSENT.

*D. Confirmation of Fall 2009 Graduates - ([Attachment 13](#))*

MOTION (Schnell/ Wolfe): to confirm the fall 2009 candidates for graduation as presented. MOTION CARRIED WITH UNANIMOUS CONSENT.

**Adjournment**

Meeting adjourned at 5:15 p.m.

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Attachment 1

## Academic Affairs Committee Report

### Approved Curricular Recommendations

11

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

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

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Attachment 2

## Approved General Education Recommendations

**Outcomes Key:**

1. Communicate effectively in a variety of contexts and formats.
2. Locate and use information for making appropriate personal and professional decisions.
3. Comprehend the concepts and perspectives needed to function in national and international societies.
4. Comprehend intrapersonal and interpersonal dynamics.
5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society.
6. Integrate knowledge and ideas in a coherent and meaningful manner.
7. Comprehend the need for lifelong learning.

Courses Approved for General Education (New)				
Course No.	Course Title	Recommended Categories	Recommended Outcomes	
BIOL 126L/ ZOO 126L	Human Biology Lab	S(n)	2, 5	
Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes				
Course No.	Course Title	Categories	Outcomes	
PSYC 270	Abnormal Psychology	B	4, 5	
Continued Approval (5-Year Renewal) for General Education with Changes in Outcomes				
Course No.	Course Title	Categories	Previous Outcomes	Recommended Outcomes
THEA 115	World Film	A, D	3, 4, 6	3, 4

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Attachment 3

## Academic Affairs Report

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

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

### **NDSU Academic Policies: Undergraduate Bulletin 2008-2010**

#### **Majors and Minors**

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

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

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

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

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

#### **Certificates**

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

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

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



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

# College Learning *for the* *New Global Century*

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



# The Essential Learning Outcomes



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

---

## ★ Knowledge of Human Cultures and the Physical and Natural World

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

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

---

## ★ Intellectual and Practical Skills, including

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

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

---

## ★ Personal and Social Responsibility, including

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

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

---

## ★ Integrative Learning, including

- Synthesis and advanced accomplishment across general and specialized studies

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

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

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## **PROPOSAL of CHANGES and LANGUAGE in the BYLAWS**

*(changes are in italics)*

### **1. Change to administrator members.**

Part IV

Section 1.

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

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

Section 2:

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

### **2. Create a mechanism for replacing a President.**

*Part VII.1.3*

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

*Part VII.1.4*

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

### **3. Specify the duties of senators:**

Part VII.1

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

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ii. *All senators are expected to:*

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

## **4. Election of the standing committee chairpersons:**

*Part VIII. 9*

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

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

*Part IX.3.4.d*

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

## **6. Changes to how members are appointed to RCC**

a. *Part IX.7.1*

### **Section 7. Research and Consulting Committee**

- 1. Membership shall consist of appointed and permanent members.**
  - a. Each dean, except those of the Colleges of University Studies and Graduate and Interdisciplinary Studies, shall nominate between one and three research active faculty members from his or her unit to be candidates for RCC. The Vice*

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*President for Research, Creative Activities, and Technology Transfer shall make one appointment from each of the lists for a three-year term.*

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

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

2. Committee responsibilities are the following:

a. Review policies related to University research and consulting issues and make recommendations for consideration by the University Senate.

b. Review periodically and recommend revision of the research and consulting sections of the Faculty Handbook containing all current directives of the University and all directives of the North Dakota State Board of Higher Education.

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

## 7. **Change to Faculty Caucus.**

a. *(Part XIII.3)*

i. *At least once per regular semester, a faculty caucus shall be held to discuss issues concerning the faculty.*

i. *Additional meetings may be called as needed.*

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

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

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Attachment 6

Policy 132 Version 3 – ~~11/17/09~~ 12/18/09

## POLICY CHANGE COVER SHEET

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

**Section:** *NDSU Policy 132: Developmental Leave*

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

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

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

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

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

President's Council: 05/28/09

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

Office of General Counsel (4/13/09)

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Policy 132 Version 3 – ~~11/17/09~~ 12/18/09

# NDSU

NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

## POLICY MANUAL

For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

### SECTION 132: DEVELOPMENTAL LEAVE

#### SOURCE: SBHE Policy Manual, Section 701.2

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

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[Policy 132](#) Version 3 – ~~11/17/09~~ [12/18/09](#)

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

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

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

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

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

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

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

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

3.1.6 *Anticipated/requested income during the leave*

*--University*

*--Other*

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

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

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[Policy 132](#) Version 3 – ~~11/17/09~~ [12/18/09](#)

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

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

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

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

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

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Attachment 7

Policy 139 Version 3 12/18/09

## POLICY CHANGE COVER SHEET

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

### **Section 139 – Leave with Pay**

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

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

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

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

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

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

President's Council -05/28/09

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

Office of HR/Payroll

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Policy 139 Version 3 12/18/09

**NDSU**

NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

## POLICY MANUAL

For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

### SECTION 139: LEAVE WITH PAY

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

1. **Funeral Leave** - An approved absence from work, with pay, of up to twenty-four working hours, may be provided to an employee to attend or make arrangements for a funeral, as a result of a death in the employee's family, or in the family of an employee's spouse.
  - 1.1  
Family means husband, wife, son, daughter, father, mother, stepparents, brother, sister, grandparents, grandchildren, stepchildren, foster parents, foster children, brother-in-law, sister-in-law, daughter-in-law, and son-in-law.
  - 1.2  
Funeral leave for employees working less than 40 hours per week will be prorated.
2. **Jury or Other Legal Duty** - An employee shall be allowed leave with pay for jury or other legal duty when subpoenaed for such service. Any compensation received for such duty may be retained by the employee.
  - 2.1  
When an employee is called as a witness on behalf of the state, and the University reimburses the employee for mileage, sustenance and room (which it may do), no witness fee or mileage may be claimed by said employee and no time shall be deducted from the absence of such employee and such employee shall be deemed to be performing duties or services for the State.
  - 2.2  
When an employee is called as a witness when the University is not a party to the action and the University does not reimburse such employee for mileage, sustenance and room,

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## Policy 139 Version 3 12/18/09

the employee may collect witness fees and mileage from the proper party if the employee is on authorized leave.

### 2.3

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

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

### 4.1

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

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

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

[NDSU Policy Manual](#)

Last Updated: Tuesday, May 06, 2008

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

## POLICY CHANGE COVER SHEET

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

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

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

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

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

University Senate: 05/29/2009

Staff Senate: 05/29/2009

Student Senate/Executive Board:

President's Council: 05/29/2009

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

General Counsel  
Equity and Diversity

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Draft #~~872~~ ~~34567~~ ~~12/210/081/23/093/5/09~~ ~~3/11/09~~  
~~4/30/09-05/20/2009~~ ~~11/24/09~~

## SECTION 156: EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

SOURCE: NDSU President

### 1. INTRODUCTION

#### 1.1

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

#### 1.2

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

#### 1.3

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

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

#### 2.1

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

##### 2.1.1

The review is initiated by completing the NDSU Formal Equal Opportunity Grievance Form (available from the NDSU ~~Office of for the Vice President for~~ Equity, ~~and~~ Diversity ~~and Global Outreach Office~~) and filing it with the Diversity Officer. ~~in the~~

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~~Office of the Vice President for Equity, and Diversity and Global Outreach.~~ Unless the ~~Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~ stipulates otherwise, the grievance form must be submitted within six months of the alleged violation.

## 2.1.2

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

## 2.1.3

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

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

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

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

## ~~3.1~~

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

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Diversity Officer in the Office of Equity and Diversity with the name of the person who will serve as their representative for this process.

## 3.1.1

The negotiators' responsibilities shall be to (1) determine the facts relevant to the grievance, (2) discuss the application of equal opportunity laws, regulations and policies, (3) attempt to resolve the grievance through further discussion and negotiation and, if that is unsuccessful, (4) refer the case to the hearing committee below or to another duly constituted University hearing committee such as the Grade Appeals Board or a Faculty Special Review Committee. Unless there are extenuating circumstances, the negotiators will complete their work within 30 working days.

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

### 4.1

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

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

### 4.1.1

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

### 4.1.2

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

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~~a conflict may vote on the motion.~~ Replacements shall be appointed in the same manner as original appointments<sup>[rdj3]</sup>.

## 4.2

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

### 4.2.1

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

### 4.2.2

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

### 4.2.3

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

### 4.2.4

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

### 4.2.5

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

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## 4.2.6

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

## 4.2.7

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

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

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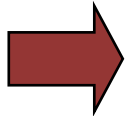
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## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

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

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

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

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

Provost  
*General Counsel*

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

*This portion will be complete by Kim Matzke-Ternes*

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

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

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

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

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu)*

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**NDSU**

NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

## POLICY MANUAL

For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

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

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

1. A probationary appointment may be terminated, without cause, with notice to the faculty member that the appointment will not be renewed.

- a. Notice shall be given:

- (1) At least 90 days prior to termination during the first year of probationary employment at the institution.
- (2) At least 180 days prior to termination during the second year of probationary employment at the institution.
- (3) At least one year prior to termination after two or more years of probationary employment at the institution.

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

- b. A department chair, dean or other person authorized under institution policies to give such notice shall provide written notice of the decision, including a reference to the

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policy section pursuant to which the action is taken. The faculty member may within ten calendar days after receipt of the notice request a reconsideration by the deciding body or individual. The faculty member may incorporate a request for mediation in the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.

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

2. An institution may terminate a probationary appointment, effective at the end of any contract term, with no less than 90 days notice of nonrenewal, based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is terminated pursuant to this subsection, the provisions of subsection 1 do not apply.
3. A special appointment terminates at the end of the term stated on the contract and may be renewed at the discretion of the institution.
4. A faculty member on probationary or special appointment may, within twenty calendar days after receipt of notice of nonrenewal of a probationary appointment or termination of a special appointment or, if the faculty member requests reconsideration or the parties agree to mediation under paragraph b of subsection 1, within twenty calendar days of receipt of the results of the reconsideration or conclusion of mediation, request review of the decision and hearing by Standing Committee on Faculty Rights by filing written notice with the deciding body or individual and the chair or senior member of the Standing Committee on Faculty Rights. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). The institution shall, within twenty calendar days of receipt of the written notice and specifications, provide a written response to the faculty member and the chair of the Standing Committee on Faculty Rights.

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5. A faculty member may terminate an appointment effective at the end of the term of the appointment by giving notice in writing at the earliest possible opportunity, but not later than May 15, or one month after receiving notification by the institution of the terms of an appointment for the coming academic year, whichever date occurs later. The faculty governance structure at an institution may recommend procedures permitting a faculty member to request a waiver of this deadline in case of hardship or for other good cause defined by those procedures. An institution may provide that failure without reasonable cause by a faculty member to return a contract by the time set forth in the contract shall constitute a resignation. Any return time so established by the contract shall be reasonable.

## *Resignation or Retirement*

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

6. An institution may terminate an appointment of a tenured faculty member following a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses. In such cases, significant consideration shall be given to length of service and tenure status in the retention of faculty members within the affected academic unit or program area, curriculum requirements, professional achievements, breadth of competence, and equal employment opportunity. A tenured faculty member terminated pursuant to this subsection shall be given written notice of termination, including the reason(s) for the action, at least twelve months prior to the date of termination. Each institution shall establish procedures for implementing this policy.
  - a. A tenured faculty member given notice of termination under this section may request that the institution circulate his or her vita to other academic units or program areas within the institution. In addition, the institution shall ensure that fair consideration is given to the faculty member, during the period of the terminal appointment, for vacant academic positions in the employing institution for which the faculty member is qualified. The faculty within any academic unit or program area shall have the major responsibility in determining qualifications for appointment therein. If a tenured faculty member accepts an appointment in a different academic unit or program area, the faculty member shall retain his or her tenure status, subject to approval of the Board.

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- b. A position terminated under this section shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within which to accept or decline it.
  - c. The provisions of section 605.4 (*NDSU 350.4*) do not apply when a tenured faculty member is terminated under this subsection. The faculty member may, however, within twenty calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.
7. In accordance with section 305.1 of these policies, the faculty governance structure at each institution shall adopt procedures by which faculty participation is solicited before notice of termination is given any tenured faculty member pursuant to subsection 6. Faculty participation shall be solicited concerning:
- a. The extent to which there are grounds for termination of tenured appointments;
  - b. Judgments determining where within the overall academic program termination of appointments may occur; and
  - c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.
- (1) *An administrative decision to terminate a tenured faculty member within the university shall be preceded by the following steps:*
- ~~a) Consultation with the Executive Committee of the University Senate regarding the extent to which there are grounds for termination of tenured appointments.~~
  - ~~b) Consultation with the Academic Affairs committee of the University Senate regarding the justification for terminating tenured appointments, if that is a consequence of the decisions; and~~
  - e)a) \_\_\_\_\_ Consultation with the ~~dean of Academic Affairs committee, or the equivalent, of the~~ the college or equivalent unit involved regarding the justification for terminating tenured appointments.
  - d)b) \_\_\_\_\_ Consultation with the faculty and the relevant PTE committee in an academic unit or program regarding the ~~consequences of the decision.~~ termination of tenured appointments.

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

8. A faculty member may be dismissed at any time for adequate cause. Adequate cause means: (a) demonstrated incompetence or dishonesty in teaching, research, or other professional activity related to institutional responsibilities, (b) continued or repeated unsatisfactory performance evaluations and failure to respond in a satisfactory manner to a recommended plan for improvement; (c) substantial and manifest neglect of duty, (d) conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or the institutional responsibilities of others, (e) a physical or mental inability to perform assigned duties, provided that such action is consistent with laws prohibiting discrimination based upon disability, or (f) significant or continued violations of Board policy or institutional policy, provided that for violations of institutional policy the institution must notify the faculty member in advance in writing that violation would constitute grounds for dismissal, or the institutional policy must provide specifically for dismissal as a sanction.

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

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

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

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

b. A faculty member may, within twenty calendar days of receipt of notice of intent to forward to the institution president a recommendation to dismiss, request for a formal hearing before the Standing Committee on Faculty Rights, pursuant to section 605.4. (NDSU 350.4)

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

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

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Attachment 10

## **FOR UNIVERSITY SENATE DISCUSSION AND VOTE:**

### **University Senate Special Committee on Policy Coordination**

#### **Purpose:**

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

#### **Rationale:**

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

#### **Recommendation:**

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

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

#### **The charge of the committee shall be to:**

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

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Attachment 11

## **FOR UNIVERSITY SENATE DISCUSSION AND VOTE:**

### **University Senate Special Committee on the Formation of a Faculty Senate**

#### **Purpose:**

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

#### **Rationale:**

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

#### **Recommendation:**

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

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

#### **The charge of the committee shall be to:**

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

## **For University Senate Consideration**

Motion to be put forward to University Senate, January 2010

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

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

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Attachment 13

## Fall 2009 Graduates Degree Conferral Date: December 18, 2009

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

#### **Bachelor of Science**

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

Jaidev Sehrawat  
Brandon Cole Setterholm  
Courtney Wayne Simons  
Kimberly J. Stassen  
Zachary Svir  
Matthew Todd Ulmer  
Kimberly Sue Wirth  
Robert Wohlhuter  
Brian Robert Ziegler  
**Master of Science**  
Fernando Roberto Eckert  
Sarah Lynn Gegner  
Peter Karl Gilbertson  
Ananda Gurung  
Ya Liu  
Heather Lynn Matthees  
Surya Laxmi Shrestha  
Yuanjie Su  
Naveen Vadukapuram  
Yu Zhang

#### **Doctor of Philosophy**

Adisu Teshome Negeri

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

#### **Bachelor of Arts**

Brandon R. Aune  
Kelsey Beth Dodd  
Caitlin C. Fox  
Manfred Lee Knapp  
Amoussa Koriko  
Kelsie Alice Moch  
Meghanne Rose Naylor  
Tanner Wade O'Clair  
Katie Marie Olson  
Timothy Magnus Olson  
Amber Marie Trauman  
Krista Marie Zierden  
**Bachelor of Fine Arts**  
Alison Celley  
Bradley Paul Delzer  
Christopher PirkI

#### **Bachelor of Music**

Amanda Lyn Bopp  
Andee Mae Mattson  
Jeffrey Steven Van Oort

#### **Bachelor of Science**

Nezir K. Ahmed  
Martha L. Bartels  
Amy Rose Bellefeuille  
Holly Jean Bodenstainer  
Christopher Robin Bohn  
Steven Scott Branby  
Jon Curtis Danuser  
William Davis  
Anthony Yom Demarais  
Thomas James Dunkley  
Lance D. Edwards  
Bryan Elstad  
Kelley Marie Eukel  
Jessica Rose Fitzsimmons  
Scott T. Forester  
Sarah Rebecca Gawne  
Michael Joseph Germain  
Laura Ann Gibbon  
Christopher Brock Graves  
James Peter-Loren Gray  
Jesse Howard Gregory  
Brittany B. Groshong  
Daniel Q. Gustafson  
Zachary Robert Harrington  
Sarah M. Hart

Frank A. Heley  
Jamie Nicholas Hiltner  
Alexander Horab  
Justin A. Huber  
Amy Lynn Jacobson Reisenauer  
Brandon Martin Krueger  
Leslie Elizabeth LaFleur  
Denise Ann Lewis  
Alexa Ann Lundquist  
Jessica Frances Mammenga  
Kelli A. McCourt  
Adam Joseph McGuire  
Anita Maria Miles  
Jason David Moszer  
Philip Dale Mutchler  
Joshua M. Nelson  
Janna Leigh Ness  
Andria Jean Padilla  
Amanda Lynn Peterson  
Daniel Prashek  
Jessica Marie Preston  
Jennifer Raveling  
Elizabeth Jean Reger  
Shanell Rae Ruter  
Ryan Eric Sandven  
Alissa Rose Schell  
Jacob Leo Schoenberg  
Samantha Suzanne Schultz  
Stephanie Ann Shea  
Zach C. Smith  
Joe Richard Stadler  
Melissa A. Steidl  
Patrick Gerald Strand  
Tanner Royal Sundet  
Candace Telehey  
Matthew Douglas Thompson  
Chelsey Nicole Torgerson  
Todd R. Volk  
Jessica Marie Wachter  
Lynn Francis Wanner  
Maurice James Weber  
Deven B. Wegener  
Sara F. Wenko  
Derrick Dakota Yates  
Daniel Dale Zakopyko

#### **Master of Arts**

David Chaganava  
Paula J. Comeau  
Muhammad Makhbudovna

#### **Master of Music**

Eric Michael Saari

#### **Master of Science**

Heather Dianne Achtenberg-Heck  
Melissa Evensen  
Emily Mae Hagemeister

#### **Doctor of Musical Arts**

Darci Ann Bultema  
Stephen Sturk

#### **Doctor of Philosophy**

Carol Cwiak  
David Wolter Mills  
Jennifer Reiersen

### *College of Business*

#### **Bachelor of Accountancy**

Amanda Jayne Baldwin  
Skye Marie Dahl  
Elliot Alexander Hitt  
Jordan Patrick Kelly  
Jenna M. Kouba  
Ryan Paul McAllen  
Chelsey Nichole Swanson

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## Fall 2009 Graduates Degree Conferral Date: December 18, 2009

### **Bachelor of Science**

Andy Bakker  
Kelsey R. Bakko  
Chelsea Dawn Barnette  
Andy Joseph Bernard  
Brenna Louise Bertsch  
Stephanie L. Boll  
Jennifer Lynn Borowicz  
Robert Bruce Brand  
Christian James Bye  
Lindsay Danae Carey  
Kurt Carlstrom  
Grant Christian  
Sara Jane Degner  
David Craig DeJong  
Brent Dellapaolera  
Ryan Douglas Doerr  
Adam John Duhoux  
Abdelhadi Elhassani  
Casandra Lyn Ellingson  
Ryan Epema  
Gregory Andrew Feltman  
Drew Michael Flaagan  
Hannah M. Flagstad  
Kevin Fries  
Jon Phillip Garberg  
Tana Marie Geffre  
Peter Anthony Gregory  
Aaron Jacob Grimm  
Joshua Mark Hagen  
Kayla Jade Hajicek  
Greg William Hebert  
Darin Kyle Heltemes  
Heidi Hendricks  
Blake Henke  
Dirk Lee Henry  
Michael George Herman  
Mathew Hermanson  
Sarah Hoffman  
Darren Lee Hollands  
Derrick Scott Hollingsworth  
Justin J. Holten  
Justin Aaron Jawish  
Dustin James Jensen  
Lise Jensen  
Mathew Alan Joachim  
Joshua Kaiser  
Amie Lynn Karjala  
Drew L. Kasson  
Rima M. Khaireddein  
Danielle Paige Knoll  
Jennifer A. Kraemer  
Shawn Thomas Krebsbach  
Jacob Ryan Krieg  
David R. Kuhry  
Jeffrey Alan Kylo  
Chad Michael Larson  
Patrick B. Larson  
Landon R. Leischner  
Tyson S. Lund  
Kindra Kay Mahler  
Dylan Bewar Maii  
Brett A. Makedonski  
Katie Lynn McFarland  
Brandon James Messer  
Samantha Jayne Milbeck  
Dirk Monson  
Joshua Alan Morehouse  
John R. Neeb  
Nathaniel Lee Nelson  
Mitchell Nielsen  
Dayton Enok Stewart Norheim

Seana Christine O'Brien  
Michael L. Olson  
Nathan John Olson  
Danika Rae Owen  
Travis J. Pettit  
Dilnoza Qorchiyeva  
Chelsey R. Rau  
Nicole Joy Reinke  
Benjamin Richard Roehl  
Alisha Jean Sagert  
Garrett M. Schank  
Joseph Jonathan Schornack  
Corey M. Schuh  
Brock Jay Seibel  
Pramita Sen  
James Matthew Septak  
Michael J. Severson, Jr.  
Taylor Skoog  
Hannah Susanne Sorensen  
Ryan Joseph Stadther  
Kristina Marcellyn Staloch  
Tyler John Stiefel  
Derek Stuhlmiller  
Jena Lynn Suchor  
Justin Thomas  
Kevin Duane Wangen  
Whitney Lynn Wedum  
Kayla Ann Wertman  
Amanda M. Westphal  
Cory Wheeler  
Ryan James Wheeler  
Ryan M. Woodfall  
Jenna Marie Woodstrom  
Joshua James Zikmund  
Calais Janene Zimney

### **Master of Business Administration**

Justin Jacob Andrist  
Arundhati Ghosh  
Kay Hogetvedt  
Jill Ann Keller  
Derek Charles Miller  
Kathryn Ann Summerfield  
Wei Tang  
Ying Wang

### **College of Engineering and Architecture**

#### **Bachelor of Science**

Fernando Pavel Bales  
Adam David Barnett

#### **Bachelor of Science in Agricultural and**

#### **Biosystems Engineering**

Joseph Daryl Sheldon  
Ruchi Shukla  
Vishal Verma  
Matthew Thomas Wold  
Derrick Adam Wolter

#### **Bachelor of Science in Civil Engineering**

Austin Mathew Clarys  
Michael Robert DeAustin  
Peter R. DeMuth  
Dustin Joseph Forester  
Benjamin Peter Fredrickson  
Matthew R. Greenslit  
Micah Barrett Hilde  
Megan Lynne Holm  
Stephen Loguya Lisok  
Steven Harold-David Wahler  
David J. Weum

#### **Bachelor of Science in Computer Engineering**

Ankush Agarwal  
Anirudh Reddy Agasti  
Aaron Axvig

Zachary Doll  
Sahil Juneja  
Raghav Kapoor  
Jon William Kuehnemund  
Peder Lindberg  
David Daniel Mayer  
Derek Olgeirson  
Andrew John Ouradnik  
Michael Christopher Sorenson  
David Erik Vedvick

#### **Bachelor of Science in Construction Engineering**

Ryan Michael Claeys  
Scott A. Hummel  
Charles Edward Kaiser  
Jesse Edward Lesmeister  
Kody Michael Scharosch

#### **Bachelor of Science in Construction Management**

Benjamin Charles Beyer  
Kyle Steven Bruns  
Jonathan William Decker  
Kyle Dobias  
Tyler Erickson  
Jason David Folger  
David J. Gibbons  
Trever Herman Hansen  
Nathan A. Host  
David Johnson  
Christopher W. Kentzelman  
Tanner John Motzko  
Andrew Jason Nefstead  
John Ross Olson  
Jarrett Clarence Roberts Dahl  
Christopher Frank Ryan  
Darren Todd Scott  
Nathan Zachary Stone  
David Anthony Swafford  
Brett Kristan Swymeler  
Emily C. Thompson  
Alexander David Turner  
Daniel Frederick Wittnebel

#### **Bachelor of Science in Electrical Engineering**

Joshua Adamek  
Jack Vincent Anderson  
Brady Alan Brodsho  
Andrew Bruce Brown  
Kevin Raymond Bruns  
Nicholas Michael Bullinger  
Kristofer Carlson Conklin  
Jessica Drutowski  
Sheyann Nicole Dunn  
Joshua Michael Friesz  
Karishma Goswami  
Jason Michael Hayen  
Jamie L. Hegland  
Salil Saurav Jha  
Kai Justus Johnson  
Korey Kautzman  
Garrett Kropp  
James Jean Leingang  
Jared Clifford Lervik  
Benjamin Paul Lofgren  
Michael Paul Lovering  
Aaron Daniel Ludwig  
Daniel Lysaker  
James Patrick Maddock  
Aakash Malik  
Dustin Donald Mueller  
Christopher J. Pierson  
John Rowe  
Jay Michael Schulte  
Brian William Schwandt  
Anil Tomar

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Ann Marie Vallie  
Jared Archie Wagner  
Brian Edward Wentland  
Christopher R. Yost

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

Robert Berg  
Erika Leigh Hedger  
Adam John Hilzendager  
Peter Lloyd Nelson  
Christopher Andrew Opland  
Brandon Lee Scherber

### **Bachelor of Science in Manufacturing Engineering**

Christopher John Bingea  
Dayne Bradley Efta  
Anthony Daniel Noga

### **Bachelor of Science in Mechanical Engineering**

Brandon R. Aune  
Kyle Bangerter  
Jeremy Douglas  
Mark W. Emery  
Jared Ben Feist  
David Michael Forster  
Craig Griffiths  
Craig Dean Hawes  
Tyler Ryan Hein  
Micah Bruce Johnson  
Michael Galen Johnson  
Levi Bradley Kingery  
Andrew James McKenzie  
Nathan Wayne Miller  
Adaeze O. Okoye  
Matthew Lee Olson  
Nathan Sele  
Loren W. Soma  
Kevin Michael Stutzman  
Zane Russel Ward  
Jenna Marie Wurzer

### **Doctor of Philosophy**

Thunyalux Ratpukdi

### **Master of Architecture**

Brett T. Barry  
Benjamin Lee Bernier  
Carrie Marie Downing  
Trisha A. Grant

### **Master of Science**

Svyatoslav Chugunov  
Michael Anthony Fuqua  
Martin James Hanson  
Amy J. Hardy  
Yaping Huang  
Jay Anthony Mosbrucker  
Vijay Muralidaran  
Matthew B. Robinson  
Zhou Zhao

### **Graduate and Interdisciplinary Studies**

#### **Doctor of Philosophy**

Monika Michalak  
Diomo Motuba

#### **Master of Science**

Christopher Lee Augustin  
Anna Ivashchenko  
Adam M. Miller  
Akiko Nakamura  
Kraig Jeffery Nelson  
Kate Ann Overmoe  
Jason A. Riopel  
Jessie L. Rock

### **College of Human Development and Education Certificate**

Kathy Leigh Edwards  
Jeremiah Thomas Moen

### **Bachelor of Arts**

Tracey Jacqueline Dullinger  
Laura Marie Odland  
Charlene Ann Sabin

### **Bachelor of Science**

Selam Kamel Ahmed  
Adam J. Aho  
Aris Anderson  
Katie J. Anderson  
Brenda Kay Arbach  
Vanessa J. Baumler  
Stephanie Bear  
Danielle Lyann Beck  
Erin Beck  
Amber Marie Bernhardt  
Amanda Bissonnette  
Brianna Joy Borchert  
Kathryn M. Borkowski  
Alison Marjorie Borowicz  
Ashley Bradow  
Christina Brandt  
Kathleen C. Brennan  
Camie Carie Jo Burgad  
Brock A. Carlson  
John Carlson  
Emily Marie Caruso  
Joseph Robert Champa  
Adam D. Christiansen  
Melissa Marie Delisle  
Riley Dolezal  
Nicole Ann Domine  
Emily Fritzell Enderson  
Rebecca Marie Fletcher  
Lacie Lauraine Fogelson  
Alison Nicole Ganyo  
Alyssa Renee Granley  
Kelley Nell Grogan  
Jessica Lynn Grove  
Ashley M. Heffley  
Gavin Labren Hofer  
Sara Ann Holty  
Darrin Hook  
Steven Michael Hurst  
Angela Ann Jasken  
Chasity Lynn Johnson  
Jennifer Elizabeth Johnson  
Jennifer L. Johnson  
Kristin Johnson  
Michael John Kaiser  
Jessica Lynn Klein  
Elisabeth Stina Knapp  
Jacob Clifford Knodel  
Sierra Lien  
Sarah Jo Liudahl  
Kyle Adam Millar  
Jenna Amy Mjolsness  
Shawn Patrick Muehler  
Kristin Marie Mund  
Nora Narloch  
Lindsey Marie Nelson  
Anna L. Nystrom  
Mallari Kay Page  
Erin Maureen Phelps  
Carrie Reindel  
Patricia Marie Romaine  
Henry Russell Ruud  
Kimberly Joy Sandhurst  
Celestine Bridget Sautner

Danielle J. Schoeler  
Jenna Scott  
Jamie Sheeran  
Breanna June Siegler  
Isaac Thomas Snell  
Katie Stromstad  
Kayme Joy Teal  
Christopher James Teeman  
Tana Marie Vandegrift  
Natalie Lynn Vetter  
Erica Ann Waller  
Craig Allen Walter  
Kelsey Ann Watson  
Stefanie Ann Welle  
Katie Sue Welter  
Kimberly Westendorf  
Brittany Lynn Winklepleck  
Molly Ann Wobbema  
Tara Kathleen Woodbury  
Derek John Young  
Heidi Karyn Zoller

### **Master of Education**

Sana D. Alsughayyer  
Cindy Mae Brown  
Greta Dahlen Evenson  
Holly Jean Fiechtner  
Grant Michael Gigstad  
Travis D. Jordan  
Cody Allen Kittelson  
Louise Marie Lorge  
Bradley John Miller  
Janice Doody Oss  
Jerad M. Voglewede

### **Master of Science**

Erika Lynne Beseler Thompson  
Lori Ann Campbell  
Emily Rose Coler Hanson  
Daniel James Driessen  
Carlie Layne Froemke  
Matthew Howe  
Andrea Marie Lang  
Joseph Daniel Lind  
Lisa Pribula  
Frieda Jeanne Pulkowski  
Trina D. Spaeth  
Lisa Erin Spors  
Cheryl Marie Troxel  
Julie Irene Zaruba

### **Doctor of Philosophy**

Michelle G. Beach  
Barbara Chromy  
Kristen Marie Hetland  
Andrea E. Laverdure  
Jeremiah Thomas Moen  
Michael A. Sigerud

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

#### **Bachelor of Science**

Kyla Genereux

#### **Bachelor of Science in Nursing**

Christine Lyn Biwer  
Karen M. Blake  
Jessica Beth Byker  
Norma J. Dockter  
Kate Alexandra Gaponenko  
Heather Joy McIntyre  
Sarah Kathryn Settel  
Heather Janelle Zerr

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### **Doctor of Nursing Practice**

Terry L. Evers  
Leslie Ann Koltes  
Tina Marie Lundeen  
Bonnie Lynn McGuire  
Jessica G. Olson

### **Doctor of Pharmacy**

Delveen H. Amedi  
Radhika Bhupeshkumar Patani  
Blessy Philip  
Courtney J. Smith

### **College of Science and Mathematics**

#### **Certificate**

Krishna Chaithanya Chinthakayala

#### **Bachelor of Arts**

Charles S. Johanneck

#### **Bachelor of Science**

Cristina Anne Aarestad  
Abhishek Agarwal  
Brandon Paul Anderson  
Elysia Marie Bates  
Lacey S. Benson  
Anirudh Bhargava  
Shane Dennis Braegelman  
Lindsey R. Brandenburg  
Wyatt Glen Brossart  
Sharon J. Brozo  
William Riley Casper  
Richa Chaturvedi  
Ishani De  
Vanessa Ann Eckhoff  
Laura Ann Egeberg  
Shane Ewert  
Ted Feit  
Elizabeth P. Gilbertson  
Sara Louise Grosser  
Anshul Gupta  
Rebekah Ann Hovland  
Sarah Elizabeth Iverson  
Paul J. Karels  
Ridhima Katyal  
Isaac Shatto Kelsey  
Jacob Krebsbach  
Krithick Sarveswaran Krishnagiri  
Maria Beatrice Krogen  
Kelsey J. Leingang  
Todd Alan Lemke  
Edeleen Lunjew  
Timothy R. Maas  
Kaylee Ann Miller  
Naman Mittal  
Joshua David Nelson  
Stanislas Ogokeh  
Christopher Samuel Olson  
Christine Ann Ouellette  
Mark Roebke  
Breanne Marie Royer  
Anuradha Sakhuja  
Joseph David Sander  
Apryl Dale Schroeder  
Christina A. Schwartz  
Akanksha Sharma  
Aman Sharma  
Eric Paul Sinner  
Dheeraj Soni  
Joseph Henry Stegmiller  
Nicholas Carl Stocker  
Eric Jay Stroh  
Lucas Garth Teske  
Avijeet Tomer  
Darcy Jean Uselman

Brian W. Wieber  
Patricia L. Winters  
Adam R. Wolfe  
Sara Virginia Wyman  
Anshul Yadav

### **Master of Science**

Barjesh Arora  
Senad Cimic  
Pranav Dass  
Don Pandukabaya Nagahawatte  
Vasanth Narayanan  
Jon Patrick Nietfeld  
Thilak Kumar Rajaraman  
R.K. Sisika Priyani Nelum  
Huma Rizvi  
Heather Kay Wadeson  
Szymon Woznica  
Sri Harsha Yamparala

### **Doctor of Philosophy**

Samali Datta  
Zhiqiang Ji  
Alexander John Kugel  
Oksana Myronovych  
Xiaoning Qi  
Shakila Tobwala

### **College of University Studies**

#### **Bachelor of University Studies**

Benjamin J. Ahneman  
Russell Blake Anderson  
Jace Daniel Carter  
Warren T. Eagan  
Bradley A. Halverson  
Dustin D. Huber  
Elizabeth Marie Mathews  
Timothy Lee Metz  
Kandra Beth Murray  
Jiyeon Park  
Kyle Dennis Rausch  
Miranda Amber Sorlie  
Jill M. Spacek  
John Ryan Thorson

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The University Senate met at 3:30 p.m. in the Plains Room of the Memorial Union with Dr. M. Meister presiding and the following senators present: M. Abdelrahman, S. Affolter, D. Andersen, E. Berg, P. Biga, C. Bilen-Green, W. Bowlin, K. Bromley, A. Brown, T. Carlson, N. Cilz, C. Ciuperca, V. Clark Johnson, J. Council, L. del Rio Mendoza, C. Friesen, K. Froelich, S. Gajan, M. Gehrtz, K. Gordon, G. Gramig, P. Gunderson, P. Hansen, M. Hoag, S. Jayaraman, B. Johnson, R. Johnson, M. Kelsch, M. Khan, J. Kong, B. Law, M. Lee, G. Liguori, F. Manthey, S. May, K. McCaul, S. Meinhardt, M. Nagel, P. Nelson, R. Nielsen, V. Olson, C. Popovici, C. Peterson, S. Pryor, M. Reid, T. Riley, S. Sather-Wagstaff, J. Sherlock, G. Smith, G. Totten, K. Vonnahme, A. Werremeyer, K. Wolfe, Q. Zhang, and M. Ziejewski

Substitutions: R. Vallie for A. Altstadt, B. Bahrami for J. Bitzan, L. Overstreet for F. Casey, M. Chaussee for V. Doan, J. Venette for K. Grafton, D. Newman for A. Grazul-Bilska, D. Roberts for R. Hearne, T. DeSutter for D. Lambert, J. Beehler for J. Okstad, L. Brodeur for J. Rowe, W. Slinger for R.C. Schnell, G. Karami for C. Ulven, and L. Helstern for C. Weber,

## **Approval of Minutes**

MOTION (Andersen/Sather-Wagstaff): to approve the minutes of the February 8, 2010, meeting as posted. MOTION CARRIED WITH UNANIMOUS CONSENT.

## **Consent Agenda**

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

MOTION (Nielsen/Sather-Wagstaff): to approve the Consent Agenda as posted. MOTION PASSED WITH UNANIMOUS CONSENT.

## **General Announcements**

### *A. President of University Senate:*

M. Meister provided the following updates and announcements:

- Special University Senate committees have been formed and will begin meeting (see New Business).
- Senate Library Standing Committee is gathering ideas on the promotion and future of library services and a potential new building on campus.
- Senators should be thinking about serving the University beyond their role as senator. Nominations currently are being sought for 2010-2011 president-elect of University Senate. Senators should contact Mark or Amy to learn more about these roles and their experiences.
- Presidential Search – Several University senators are serving on the presidential search committee. The candidate list has been reduced to 12 and will be narrowed further in April. Open forums are being planned at neutral sites in Fargo. Senators were encouraged to become engaged in the process.

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## B. *Staff Senate President:*

V. Olson reported the following:

- a. A Staff Senate service project of cookbook sales resulted in a gift of more than \$1600 to the F-M Food Pantry.
- b. The Valentine's Ball was well attended and considered a success.
- c. Staff Senate elections are coming up; senators were asked to encourage staff in their departments to get involved.
- d. Staff Senate passed changes to its bylaws to limit the size of Staff Senate to 60 members (down from 5% in each staff broad-band).

## C. *Student Body President:*

On behalf of A. Altstadt and Student Government, S. Affolter provided the following updates:

- Student Senate has allocated \$3.16 million of student activity fees (tier 2-non-competitive and tier-one organizations);
- A smoking policy task force, appointed by President Hanson, will continue to seek ways to make the transition successful on campus.
- Student Senate is working with Dining Services to replace Styrofoam products with biodegradable and recyclable restaurant materials.
- The *Big Event*, a Student-Government initiated campus-wide service day has been planned for March 22 as a way to reach out and give back to F-M community, including the Roosevelt Neighborhood.
- a. Study on a new library is continuing. Funding for a consultant has been approved by President Hanson and the study will continue into this semester and summer.

## **Committee Reports**

### A. *Academic Affairs:*

A. Brunt, committee member, announced that new forms and documents are available on the Academic Affairs web site - <http://www.ndsu.edu/univsenate/acadaffairs/>. They include new, individualized forms for course proposals, course changes, course deletions, and special topics-temporary/trial course proposals, as well as a syllabus template to aid instructors.

### B. *General Education (Attachment 2):*

L. Peterson, chair, reported that as of July 1, 2011, the General Education Committee no longer will consider petitions during a student's final semester of graduation except for in cases of dire and documented circumstances. Early warning will be provided to students during graduation audits and will be published on the General Education web site and appeal form. Reasons for this change include better assurance that all students are treated consistently and fairly based on the nature of the appeal itself, and that failure to graduate when planned does not constitute an emergency. Objection was raised by a student senator on the grounds of creating additional burdens on students based on events that may be out of their control, such as advising. It was explained

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that exceptions will be considered under unusual circumstances. It was clarified that this is a proposed procedure, not policy.

## *C. University Senate Library Committee:*

M. Reid, Dean of Libraries, announced that the Senate Library Committee has met regularly, and that the president has authorized a planning committee to fund a RFQ for a feasibility study. Preliminary designs for a new library as well as cost estimates will be included in this study. The planning committee will be appointed in coming weeks and will be made up of members of Library Standing Committee and the student library committee. Other interested individuals should contact Reid.

## *D. University Senate Research and Consulting Committee –*

- *Policy 190: Employee Responsibility and Activities: Intellectual Property*

V. Kettner, chair, reported that recommendations on NDSU Policy 190 have been sent to the Policy Coordinating Committee. The Research and Consulting Committee has discussed concerns, complaints and constraints in the state policy (SBHE 611.2). Other items that the Committee has discussed include issues related to conflict of interest in research, classified research on campus, and responsible conduct of research requirements (NIH and NSF) for faculty who support graduate students and post-docs on research requirements (see policy 348).

## *E. Policy Coordinating Committee:*

M. Meister presented for discussion and vote the following policies that were carried-over from the February meeting:

1. *Policy 156 – Equal Opportunity Grievance Procedures ([Attachment 3](#))-*

MOTION (Biga/Pryor): to approve Policy 156 as presented.

Objection was raised to section 4.1 where it states that only tenured faculty may be appointed to a special review committee. Concern was expressed that this creates a disparity when compared to standards for students and staff. Support for the language was made based on the special experiences of those with tenure already.

MOTION (Pryor/Berg): to strike the word ‘tenured’ from second bullet in section 4.1.

Discussion was held on protecting non-tenured faculty member from repercussions of their decisions, or their decisions being swayed by more senior faculty members on the committee. Additional support for the inclusion of non-tenured faculty was provided based on prior experiences and

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the ability of the appointee to select someone else from the pool of members (18 total) should a potential conflict of interest present. A question was asked whether members who are asked to serve can refuse on particular case. Additional concern was expressed that this proposed language eliminates the possibility of a non-tenured faculty member having a jury of his/her peers, particularly in light of the imbalance in numbers of male-female tenured faculty. A dean announced that college deans have been trying to minimize the service responsibilities of assistant professors while they are focusing on research and other responsibilities.

**MOTION TO APPROVE AMENDMENT CARRIED WITH A VOTE OF 45-21-1.** The following senators or their substitutes voted aye: Affolter, Altstadt, Andersen, Berg, Biga, Bilen-Green, Brown, Carlson, Casey, Cilz, del Rio Mendoza, Doan, Friesen, Gajan, Gehrtz, Gordon, Grafton, Gramig, Grazul-Bilska, Gunderson, Hearne, Hoag, Jayaraman, B. Johnson, Kelsch, Khan, Lambert, Lee, Liguori, May, Nagel, Okstad, Olson, Popovici, Pryor, Reid, Riley, Rowe, Sherlock, Smith, Totten, Ulven, Vonnahme, Werremeyer, and Zhang. The following senators or their substitutes voted no: Abdelrahman, Bitzan, Bowlin, Bromley, Council, Froelich, Hansen, Johnson, Kong, Law, Manthey, McCaul, Meinhardt, Meister, Nelson, Nielsen, Peterson, Sather-Wagstaff, Schnell, Wolfe, and Ziejewski. Senator Ciuperca abstained.

**MOTION (Carlson/Sather-Wagstaff):** to update section 1.1 with a more comprehensive list of protected classes that is consistent with Policy 100: Equal Opportunity and Non-Discrimination Policy. Discussion ensued on whether all protected classes should be listed in this policy or if a referral to Policy 100 should be made in order to minimize maintenance of both policies whenever a change is required. **MOTION TO AMEND SECTION 1.1 WAS WITHDRAWN.**

**MOTION (Council/McCaul):** to strike the current list of protected classes and rewrite section 1.1 as follows:

*“1.1. The purpose of these grievance procedures is to provide a fair and orderly system for review at North Dakota State University of alleged violations of equal opportunity laws, regulations, and policies that prohibit discrimination based on protected groups as defined in Policy 100” (with link to policy 100).*

**MOTION TO APPROVE AMENDMENT CARRIED WITH A VOTE OF 65-1.** The following senators or their substitutes voted aye: Abdelrahman, Affolter, Altstadt, Andersen, Berg, Biga, Bilen-Green, Bitzan, Bowlin, Bromley, Brown, Carlson, Casey, Cilz, Ciuperca, Council, del Rio Mendoza, Doan, Friesen, Froelich, Gajan, Gehrtz, Gordon, Grafton, Gramig, Grazul-Bilska, Gunderson, Hansen, Hearne, Hoag, Jayaraman, B. Johnson, R. Johnson, Kelsch, Kong, Lambert, Law, Lee, Liguori, Manthey, May, McCaul,

# University Senate Minutes

Fargo, ND 58105

North Dakota State University

March 8, 2010

Meinhardt, Meister, Nagel, Nelson, Nielsen, Okstad, Olson, C. Peterson, Popovici, Pryor, Reid, Rowe, Sather-Wagstaff, Schnell, Sherlock, Smith, Totten, Ulven, Vonnahme, Werremeyer, Wolfe, Zhang, and Ziejewski. Senators Khan voted no.

MOTION TO APPROVE POLICY 156 AS AMENDED CARRIED WITH A VOTE OF 60-4-1. The following senators or their substitutes voted aye: Abdelrahman, Affolter, Altstadt, Andersen, Berg, Biga, Bitzan, Bowlin, Bromley, Brown, Carlson, Casey, Cilz, Ciuperca, Council, del Rio Mendoza, Doan, Friesen, Froelich, Gajan, Gehrtz, Gordon, Grafton, Gramig, Grazul-Bilska, Hansen, Hearne, Hoag, Jayaraman, B. Johnson, R. Johnson, Kelsch, Kong, Lambert, Law, Lee, Liguori, Manthey, May, Meinhardt, Meister, Nagel, Nelson, Nielsen, Okstad, Olson, C. Peterson, Popovici, Pryor, Reid, Rowe, Sather-Wagstaff, Schnell, Sherlock, Smith, Totten, Ulven, Vonnahme, Zhang, and Ziejewski. The following senators or their substitutes voted aye no: Bilen-Green, Khan, Riley, and Wolfe. Senator McCaul abstained.

2. *Policy 350.3 – Board Regulations on Non-renewal: Termination or Dismissal of Faculty* ([Attachment 4](#))

MOTION (Sather-Wagstaff/Gehrtz): to approve policy 350.3 as presented.  
MOTION CARRIED WITH UNANIMOUS CONSENT.

M. Meister presented the following policies for discussion only:

1. *New Policy: Behavior Intervention Team* ([Attachment 5](#))

Senators posed questions to be answered by the originators of policy. The current draft does not specify who is in charge of appointing members to and overseeing the team, or how many members will serve on it. It also should include a reporting mechanism to the university or Dean of Student Life.

2. *New Policy: Missing Student Notification* ([Attachment 6](#))

It was recommended that in the second sentence of point 4, 'Reporting,' a 'for instance' be added to the list of individuals who may field a report.

## **New Business**

### *A. Senate Special Committee Membership:*

Meister announced the membership for the following special committees:

- a. Policy Coordination – To be chaired by M. Meister, and includes the past four Senate presidents: Berry, Terbizan, Council, and Comez. This committee will

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study and recommend how policies are reviewed, coordinated and channel through the approval processes.

- b. Academic Dishonesty- To be chaired by J. Council, and includes undergraduate and graduate student representatives A. Altstadt and B. Kubik, D. Cooley, C. Naughton, S. Sather-Wagstaff, and K. Wold-McCormick. This committee will review and draft policies designed to curtail academic dishonesty among undergraduate and graduate students at NDSU.
- c. Faculty Senate – To be chaired by T. Carlson, and includes A. Rupiper-Taggart, B. Duncan, D. Buchanan, T. Colville, P. Homan, and A. Welch. This committee will look at the impacts and feasibility of establishing a faculty senate on campus.

## *B. Update on Library Resolution:*

M. Meister reintroduced the Library Resolution as it was not removed from the table at the February meeting. Concern was raised over the current scarcity of resources on campus, and the need to have all cost estimates included in the process. The new planning committee will seek sites and accurate cost estimates. Staff Senate already has passed a similar resolution.

## **Discussion**

- A student senator clarified his concern over the General Education Committee procedure raised earlier in the meeting. He believes that committee members should be able to make an appeal decision based on the facts and not use graduation term as a reason to not review an appeal.
- Senators were urged to pay attention to proposed changes with Policy 190 as it is very important to the work and research conducted at NDSU. The NDSU policy may likely form the framework for state policy changes.

## **Adjournment**

Meeting adjourned at 4:45 p.m.

## Academic Affairs Committee Report March 8, 2010

### Curricular Recommendations

<b>New Program</b>							
Psychological Clinical Science, Ph.D.							
<b>New Option</b>							
Adult Development and Aging, B.S./B.A. (Human Development and Family Science)							
<b>New Course</b>							
<b>Subject</b>	<b>No.</b>	<b>Title</b>					<b>Crs.</b>
CNED	729	Professional K-12 School Counseling					3
<b>Course Deletions</b>							
CNED	725	Elementary School Counseling					2
CNED	726	Middle School Counseling					2
CNED	727	Secondary School Counseling					2
NURS	612P	Practicum I: Advanced Health Assessment					3
NURS	620P	Practicum IV: FNP Role Integration					4
NURS	633P	Practicum II: Family Primary Care I					4
NURS	634P	Practicum III: Family Primary Care II					4
<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>
CNED	728	Guidance Administration and Consulting	2	CNED	728	Guidance Administration and Consulting	3
EDUC	702	Statistics in Educational Research	2	EDUC	702	Statistics in Educational Research	3
EDUC	724	Advanced Educational Psychology	2	EDUC	724	Advanced Educational Psychology	3
ENT	732	Plant Resistance to Insects	2	ENT	<del>446/646</del>	Plant Resistance to Insects	3
MUSC	640	History of Choral Literature	3	MUSC	<del>715</del>	History of Choral Literature	3
<b>For Information Only: Change in Prerequisite/Corequisite</b>							
<b>Dept.</b>	<b>No.</b>	<b>Title</b>	<b>Change in Prerequisite/Corequisite</b>				
MICR	471/ 671	Immunology and Serology Laboratory	Add prerequisite/corequisite: MICR 350L				

**General Education Student Petition Deadline Policy**  
**March 8, 2010**

As of July 1, 2011, the General Education Committee will no longer consider student petitions during the semester of a student's graduation except in documented cases of extreme emergency. (Approved by the General education Committee, February 12, 2010.)

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

## POLICY CHANGE COVER SHEET

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

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

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

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

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

University Senate: 05/29/2009

Staff Senate: 05/29/2009

Student Senate/Executive Board:

President's Council: 05/29/2009

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

General Counsel  
Equity and Diversity

Draft #~~872~~ ~~34567~~ ~~12/210/081/23/093/5/09\_3/11/09~~  
~~4/30/09-05/20/2009~~11/24/09

## SECTION 156: EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

SOURCE: NDSU President

### 1. INTRODUCTION

#### 1.1

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

#### 1.2

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

#### 1.3

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

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

#### 2.1

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

##### 2.1.1

The review is initiated by completing the NDSU Formal Equal Opportunity Grievance Form (available from the NDSU ~~Office of for the Vice President for Equity, and Diversity and Global Outreach-Office~~) and filing it with the Diversity Officer, ~~in the Office of the Vice President for Equity, and Diversity and Global Outreach.~~ Unless the ~~Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~

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stipulates otherwise, the grievance form must be submitted within six months of the alleged violation.

#### 2.1.2

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

#### 2.1.3

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

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

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

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

#### ~~3.1~~

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

#### ~~3.1.1~~

~~The negotiators' responsibilities shall be to (1) determine the facts relevant to the grievance, (2) discuss the application of equal opportunity laws, regulations and policies, (3) attempt to resolve the grievance through further discussion and negotiation and, if that~~

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is unsuccessful, (4) refer the case to the hearing committee below or to another duly constituted University hearing committee such as the Grade Appeals Board or a Faculty Special Review Committee. Unless there are extenuating circumstances, the negotiators will complete their work within 30 working days.

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

##### 4.1

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

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

##### 4.1.1

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

##### 4.1.2

Committee members shall disclose any conflict of interest they may have to the committee ~~committee's regarding committee member status~~. The parties can also challenge a committee member for a conflict of interest ~~address as a conflict of interest disclosure made by a committee member~~. ~~If multiple challenges deplete the committee to two or less fewer members,~~ The Student Body President, President of University Senate, and the Staff Senate President shall ~~assist in deciding~~ decide, by majority vote, whether the challenges have merit. Members disclosing a conflict or being challenged for a conflict may vote on the motion. Replacements shall be appointed in the same manner as original appointments ~~rdj31~~.

##### 4.2

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

##### 4.2.1

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~~4/30/09~~ ~~05/20/2009~~ ~~11/24/09~~

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

#### 4.2.2

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

#### 4.2.3

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

#### 4.2.4

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

#### 4.2.5

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

#### 4.2.6

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

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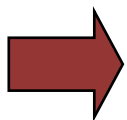
#### 4.2.7

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

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

# Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

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

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

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

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

*Provost  
General Counsel*

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

*This portion will be complete by Kim Matzke-Ternes*

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

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

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

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

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu)*

NDSU

NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

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## POLICY MANUAL

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For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

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

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

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

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

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

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body or individual. The faculty member may incorporate a request for mediation in the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.

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

2. An institution may terminate a probationary appointment, effective at the end of any contract term, with no less than 90 days notice of nonrenewal, based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is terminated pursuant to this subsection, the provisions of subsection 1 do not apply.
3. A special appointment terminates at the end of the term stated on the contract and may be renewed at the discretion of the institution.
4. A faculty member on probationary or special appointment may, within twenty calendar days after receipt of notice of nonrenewal of a probationary appointment or termination of a special appointment or, if the faculty member requests reconsideration or the parties agree to mediation under paragraph b of subsection 1, within twenty calendar days of receipt of the results of the reconsideration or conclusion of mediation, request review of the decision and hearing by Standing Committee on Faculty Rights by filing written notice with the deciding body or individual and the chair or senior member of the Standing Committee on Faculty Rights. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). The institution shall, within twenty calendar days of receipt of the written notice and specifications, provide a written response to the faculty member and the chair of the Standing Committee on Faculty Rights.
5. A faculty member may terminate an appointment effective at the end of the term of the appointment by giving notice in writing at the earliest possible opportunity, but not later than May 15, or one month after receiving notification by the institution of the terms of an appointment for the coming academic year, whichever date occurs later. The faculty governance structure at an institution may recommend procedures permitting a faculty

member to request a waiver of this deadline in case of hardship or for other good cause defined by those procedures. An institution may provide that failure without reasonable cause by a faculty member to return a contract by the time set forth in the contract shall constitute a resignation. Any return time so established by the contract shall be reasonable.

*Resignation or Retirement*

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

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

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however, within twenty calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.

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

- a. The extent to which there are grounds for termination of tenured appointments;
- b. Judgments determining where within the overall academic program termination of appointments may occur; and
- c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.

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

~~a) Consultation with the Executive Committee of the University Senate regarding the extent to which there are grounds for termination of tenured appointments.~~

~~b) Consultation with the Academic Affairs committee of the University Senate regarding the justification for terminating tenured appointments, if that is a consequence of the decisions; and~~

~~c) a) Consultation with the dean of Academic Affairs committee, or the equivalent, of the college or equivalent unit involved regarding the justification for terminating tenured appointments.~~

~~d) b) Consultation with the faculty and the relevant PTE committee in an academic unit or program regarding the consequences of the decision. termination of tenured appointments.~~

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

8. A faculty member may be dismissed at any time for adequate cause. Adequate cause means: (a) demonstrated incompetence or dishonesty in teaching, research, or other professional activity related to institutional responsibilities, (b) continued or repeated unsatisfactory performance evaluations and failure to respond in a satisfactory manner to a recommended plan for improvement; (c) substantial and manifest neglect

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of duty, (d) conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or the institutional responsibilities of others, (e) a physical or mental inability to perform assigned duties, provided that such action is consistent with laws prohibiting discrimination based upon disability, or (f) significant or continued violations of Board policy or institutional policy, provided that for violations of institutional policy the institution must notify the faculty member in advance in writing that violation would constitute grounds for dismissal, or the institutional policy must provide specifically for dismissal as a sanction.

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

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

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

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

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

9. If the administration determines that the conduct of a faculty member, although not constituting ground for termination or dismissal, provides reasonable cause for

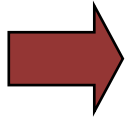
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imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction. A sanction means demotion, suspension (but not including suspension pending a dismissal or termination decision),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

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

# Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

## SECTION: *XXX: Behavior Intervention Team*

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

*This is a NEW policy describing the Behavior Intervention Team and encouraging faculty and staff to report incidents of student behavior that are of concern, particularly those that may pose a threat to the safety of the student or the campus community.*

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

*Behavior Intervention Team which includes representation from the Dean of Student Life Office, Counseling Center, Academic Affairs, University Police and Safety, Student Rights and Responsibilities, and Residence Life.*

*Primary contact: Janna Stoskopf, dean of student life ([janna.stoskopf@ndsu.edu](mailto:janna.stoskopf@ndsu.edu))*

*Submitted January 7, 2010*

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

*This portion will be complete by Kim Matzke-Ternes*

**Policy**

**Committee:** 2/11/10 presented;

**University**

**Senate:**

**Staff Senate:**

**President's**

**Council:**

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu)*

*The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy.*

*If you have suggestions on formatting, please route them to [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu).*

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

*Thank you for your understanding!*

## NDSU Policy Manual

## SECTION XXX: BEHAVIOR INTERVENTION TEAM

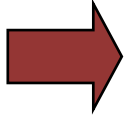
SOURCE: NDSU Dean of Student Life Office

1. The Behavior Intervention Team (BIT) is available to support faculty and staff who observe student behaviors that cause concern and exceed the boundaries of typical classroom management. Examples may be behaviors that disrupt classrooms, work functions, or living learning environments; lack of civility within the classroom or other campus environments; actions or communications that seem out of character; class assignments that contain threats of harm to self or others; etc. Typically, it would include behaviors that may not constitute a violation of the student code of behavior, but indicate the student needs additional help, connection with campus resources, or informal resolution of an issue.
2. The BIT consists of representation from the Dean of Student Life Office, the Counseling Center, Academic Affairs, Residence Life, Student Rights and Responsibilities, and the University Police and Safety Office. When a referral is made, the team will attempt to determine what is happening with the student, and what type of assistance the student may need in hopes of resolving the behavioral issue and continuing academic progress in a successful manner.
3. If faculty or staff encounter a student with whom there is concern, the BIT may be contacted through Dean of Student Life office via email at [NDSU-BIT@ndsu.edu](mailto:NDSU-BIT@ndsu.edu), or by calling the Dean of Student Life Office.
4. Individuals reporting concerns should include any information that may be helpful to the team in evaluating the situation (ie. duration, frequency, severity and/or progression of the behavior; any mitigating circumstances; or actions previously employed by you or others to assist the student or change the behavior.)
5. Situations occurring outside of daily business hours, and needing immediate consideration, should be referred to the University Police. Team members or an officer, whichever may be appropriate, will be dispatched to address the situation.
6. This team is intended to support and assist faculty and staff in dealing with the problematic behavior, allowing them to retain the focus on teaching, research, or other university roles.

HISTORY:

# Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

SECTION: *XXX Missing Student Notification*

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

*This is a NEW policy, required by federal law through the recent re-authorization of the Higher Education Opportunity Act. The policy makes it possible for students to identify a person to be contacted in the event the student is determined by law enforcement to be missing. The policy also states the means by which students may record this information, and the time frame required for the University to make contact if necessary.*

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

*The Dean of Student Life, in consultation with the Director of Residence Life and the Director of University Police and Safety Office*

*Primary contact: Janna Stoskopf, dean of student life (janna.stoskopf@ndsuh.edu)*

*Submitted: January 7, 2010*

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

*This portion will be complete by Kim Matzke-Ternes*

Policy  
Committee: 2/11/10 presented

University  
Senate:

Staff Senate:

President's  
Council:

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

*The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy.*

*If you have suggestions on formatting, please route them to kim.matzke-ternes@ndsuh.edu.*

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

*Thank you for your understanding!*

## Section XXX: Missing Student Notification Policy

Source: Higher Education Act – Re-authorization, 2008

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

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The University Senate met at 3:30 p.m. in the Plains Room of the Memorial Union with Dr. M. Meister presiding and the following senators present: M. Abdelrahman, S. Affolter, A. Altstadt, E. Berg, P. Biga, W. Bowlin, K. Bromley, S. Brotherson, T. Carlson, N. Cilz, C. Ciuperca, V. Clark Johnson, J. Council, L. del Rio Mendoza, V. Doan, S. Gajan, M. Gehrtz, K. Gordon, K. Grafton, G. Gramig, A. Grazul-Bilska, P. Gunderson, P. Hansen, M. Hoag, A. Jackson, B. Johnson, M. Kelsch, M. Khan, J. Kong, B. Law, M. Lee, G. Liguori, F. Manthey, S. May, K. McCaul, S. Meinhardt, M. Nagel, P. Nelson, R. Nielsen, J. Okstad, V. Olson, C. Peterson, C. Popovici, S. Pryor, M. Reid, T. Riley, A. Rupiper Taggart, S. Sather-Wagstaff, R.C. Schnell, J. Sherlock, G. Smith, G. Totten, K. Vonnahme, A. Werremeyer, D. Wittrock, K. Wolfe, and M. Ziejewski

Substitutions: J. Kim for D. Andersen, J. Bitzan for B. Bahrami, L. Nygaard for L. Brodeur, K. Story for A. Brown, J. Cook for C. Bilen-Green, L. Overstreet for F. Casey, G. Macintosh for K. Froelich, C. Boerboom for D. Hauck, D. Roberts for R. Hearne, N. Wright for R. Johnson, J. Glower for G. Smith, Y. Wang for C. Ulven, and L. Helstern for C. Weber

## **Approval of Minutes**

MOTION (Sather-Wagstaff/Gehrtz): to approve the minutes of the March 8, 2010, meeting as posted after corrections were made to initial attendance and voting rosters. MOTION CARRIED WITH UNANIMOUS CONSENT.

## **Consent Agenda**

- A. Academic Affairs ([Attachment 1](#))
- B. General Education ([Attachment 2](#))
- C. Policy 155 - Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees ([Attachment 3](#))
- D. Policy 313 - Annual Leave and Sick Leave ([Attachment 4](#))

MOTION (Sather-Wagstaff/Biga): to approve the Consent Agenda as posted. MOTION PASSED WITH UNANIMOUS CONSENT.

## **General Announcements**

- A. *NDSU President* - Interim President Hanson provided the following updates:
  - a. The system budget was approved at the last SBHE meeting. Hanson's comments regarding the budget are available from the System office or in SBHE minutes.
    - i. While Equity is intended to bring university funding up when it lacks behind regional peers, the way the state's equity program is designed and administered does not allow NDSU to catch up. Parity, which involves ongoing costs, also is inadequate because costs don't follow students. NDSU is funded by state appropriations, tuition, and extramural funding. NDSU will get about \$4 million in equity in addition to parity funding.
  - b. The SBHE retired the UND logo and nickname at the last meeting.

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- c. Four finalists have been identified for the NDSU presidency. Senators were urged to participate and welcome candidates to campus.

*B. Provost/Vice President for Academic Affairs* – Provost Schnell reported the following:

- a. Tenure was approved for 19 NDSU faculty members at the SBHE meeting.
- b. The following program and organizational requests were approved at the state level: new Ph.D. program in Developmental Sciences, termination of Interior Design minor, and renaming of the Department of Chemistry and Molecular Biology to Department of Chemistry and Biochemistry. The Ph.D. in Clinical Psychological Sciences proposal is up for review at a future meeting.
- c. Faculty salaries made good gains when compared with 15 longitudinal peers. NDSU full professor salaries now are at 93.3% of peers, and associate and assistant professors are at 95.7% of peers.

*C. President of University Senate* – M. Meister made the following announcements:

- a. Nominations still are being sought for the positions of: 2010-2011 University Senate president-elect, Council of College Faculties representative, and member on the University Standing Committee on Faculty Rights (full professor, non-administrative). It will be a critical year as equal and separate faculty governance continues to be explored. Senators were asked to email names of interested faculty for any of the open positions to Meister.
- b. Presidential Search – Senate Presidents Meister, Altstadt and Olson spent two 12-hour days meeting with eight presidential candidates. Updates on finalists are available on the NDSU web site and in the Forum. On campus interviews for finalists are scheduled for April 26-May 7. (two and a half day interviews for each candidate). Contact any of the senate presidents or committee members with questions.

*D. President Elect of University Senate* - A. Rupiper Taggart reiterated Meister's call for nominations for CCF and Senate president-elect. If a faculty senate is approved, the University Senate president/president-elect would assume those positions in the new senate.

*E. Staff Senate President* - V. Olson reported that Staff Senate elections are taking place this month with many positions to fill.

*F. Student Body President* - A. Altstadt reported the following:

- a. Kevin Black and Shawn Affolter were elected to serve as 2010-2011 student body president and vice president, and will be sworn in later in April.
- b. The *State of Student Address* is scheduled for Monday, April 19, 6 p.m., in Century Theatre, and will be followed by the Bison Leader Awards ceremony.
- c. Dining Services has replaced Styrofoam materials with recyclable and recycled materials.

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- d. The campus arboretum committee has worked to display a national flag in the west entrance of the Union for every country represented by NDSU students, faculty and staff. This project was designed to showcase and embrace diversity on campus. A historical monument/horticulture walk on campus is being planned by committee members.
- e. Technology Committee continues to work with ITS on identifying and studying options for outsourcing email.
- f. Student Senate proposed a resolution that focuses on academic space on campus, specifically classrooms and labs. A University Senate Resolution was distributed for discussion under New Business.

MOTION (Sather-Wagstaff-Biga): to suspend rules and move to Unfinished Business, item 2, 'Faculty Senate.'

MOTION TO SUSPEND RULES CARRIED WITH A VOTE OF 54-6-4. The following senators or their substitutes voted aye: Affolter, Abdelrahman, Altstadt, Andersen, Biga, Bilen-Green, Bitzan, Bowlin, Brodeur, Brown, Carlson, Casey, Cilz, Ciuperca, Council, del Rio Mendoza, Froelich, Gajan, Gehrtz, Gordon, Grafton, Gramig, Grazul-Bilska, Gunderson, Hansen, Hauck, Hearne, Hoag, B. Johnson, R. Johnson, Kelsch, Khan, Manthey, May, Meinhardt, Meister, Nagel, Nelson, Nielsen, Okstad, Olson, Peterson, Pryor, Reid, Riley, Rupiper Taggart, Sather-Wagstaff, Schnell, Sherlock, Totten, Vonnahme, Werremeyer, Wittrock, and Wolfe. The following senators or their substitutes voted no: Brotherson, Clark Johnson, Kong, Liguori, Popovici, and Ulven. The following senators abstained: Berg, Doan, Law, and McCaul.

## **Committee Reports**

### A. *General Education –*

L. Peterson presented new language for the General Education appeal form based on feedback from discussion at the March University Senate meeting. The form now has a statement that reads, "*Note that anticipated semester of graduation is not a factor for consideration in the review process.*"

### B. *Council of College Faculties –*

J. Glower announced that the SBHE accepted the faculty compensation report by the committee, which includes 5% raises for next two years and continuation of full health benefits.

### C. *Policy Coordinating Committee -*

A. Rupiper Taggart presented the following for discussion and vote:

#### A. *Policy 603 – Sexual Assault Student Policy ([Attachment 5](#)) -*

MOTION (Sather-Wagstaff/Biga): to approve policy changes as presented.

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Concern was raised over the definition of sexual misconduct in section 2.2, particularly in regard to the language regarding sexual acts committed without intent to harm, and failing to correctly assess the circumstances.

MOTION TO AMEND (Rupiper Taggart): to change the last bullet in section 2.1 to read, “A victim who is under fifteen years of age.”

MOTION TO AMEND CARRIED WITH UNANIMOUS CONSENT.

MOTION (Altstadt/Gehrtz): to send policy back to committee for clarification on the definition of sexual misconduct.

MOTION CARRIED WITH A VOTE OF 52-10. The following senators or their substitutes voted aye: Affolter, Altstadt, Andersen, Berg, Biga, Bilen-Green, Bitzan, Brodeur, Bromley, Brotherson, Carlson, Casey, Cilz, Ciuperca, Council, del Rio Mendoza, Doan, Froelich, Gajan, Gehrtz, Gramig, Grazul-Bilska, Gunderson, Hansen, Hearne, Hoag, B. Johnson, R. Johnson, Kelsch, Khan, Liguori, Manthey, May, McCaul, Nagel, Nelson, Okstad, Olson, Peterson, Popovici, Riley, Rupiper Taggart, Sather-Wagstaff, Schnell, Sherlock, Totten, Ulven, Vonnahme, Werremeyer, Wittrock, Wolfe, and Ziejewski. The following senators or their substitutes voted no: Abdelrahman, Bowlin, Brown, Gordonn, Hauck, Law, Meinhardt, Meister, Nielsen, and Pryor.

A. Rupiper Taggart presented the following for discussion only:

1. *Policy 190 - Employee Responsibility and Activities: Intellectual Property*  
([Attachment 6](#))

Glomer expressed concern about conflicting references to NDSU v. student ownership of work that is obtained using NDSU equipment. He made a case for student ownership on the grounds of tuition and knowledge. V. Kettner, chair of the Research and Consulting Committee RCC, explained that policy 190 is predicated on SBHE policy 611.2. Student rights are included in the SBHE policy, and university ownership applies to faculty and researchers and students using institutional resources. In instances where an invention is disclosed and then licensed to another party, portions of revenue go back to the inventor(s). Inventions that are developed without using institutional resources, including faculty or other employee time, are not subject to this policy. Glomer raised concern over the lack of clarity on when students are students rather than employees, and that section 2.J is a potential barrier to working with industrial partners. Kettner acknowledged that the RCC has had lengthy discussions on this issue, and recognize the limitations that SBHE 611.2 places on reworking NDSU 190.

Kettner stated that the SBHE would have to change its policy to make these points clearer. The RCC is going to propose a number of changes to the SBHE to provide better consistency and clarity throughout the policy. The state recently

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appointed a review committee to better define certain items, which will involve representatives from NDSU, UND and state counsel office. Glower indicated that some students currently fear sharing their ideas with faculty, and Kettner clarified that sharing ideas does not equate to university ownership – only if university resources and facilities contribute to the development of inventions.

B. Johnson thanked the RCC for their time and efforts on Policy 190, and urged the committee to continue seeking clarity in this policy as well as future input beyond the Senate, such as in open forums.

D. Zetocha, NDSU Technology Transfer office and Research Foundation, discussed outreach efforts on intellectual property. Tech Transfer/Research Foundation staff is available for department/faculty seminars explaining the patent process.

MOTION (Rupiper Taggart/Sather-Wagstaff): to approve policy changes as presented. Concern was expressed by McCaul with the idea of voting when the policy was listed on the agenda as informational only.

MOTION (Jackson/Story): to postpone the question indefinitely.

MOTION CARRIED WITH A VOTE OF 54-1-3.

The following senators or their substitutes voted aye: Affolter, Abdelrahman, Altstadt, Berg, Bilen-Green, Bitzan, Brodeur, Brotherson, Brown, Carlson, Casey, Cilz, Ciuperca, Clark Johnson, Council, del Rio Mendoza, Gajan, Gehrtz, Gordon, Grafton, Gramig, Grazul-Bilska, Gunderson, Hauck, Hoag, B. Johnson, R. Johnson, Kelsch, Kong, Liguori, Manthey, May, McCaul, Meinhardt, Meister, Nagel, Nelson, Nielsen, Okstad, Olson, Peterson, Popovici, Pryor, Riley, Schnell, Sherlock, Smith, Totten, Ulven, Vonnahme, Werremeyer, Wittrock, Wolfe, and Ziejewski. Senator Khan voted no. The following senators or their substitutes abstained: Andersen, Rupiper Taggart, and Sather-Wagstaff.

MOTION: (Altstadt/Okstad): to suspend order and move to New Business. MOTION CARRIED WITH A VOTE OF 50-7-2.

The following senators or their substitutes voted aye: Affolter, Abdelrahman, Altstadt, Berg, Biga, Bilen-Green, Bitzan, Brodeur, Brotherson, Brown, Carlson, Casey, Cilz, Ciuperca, Clark Johnson, del Rio Mendoza, Gajan, Gehrtz, Gordon, Grafton, Gramig, Gunderson, Hearne, Hoag, B. Johnson, R. Johnson, Kelsch, Khan, Kong, Lee, Liguori, May, Meister, Nelson, Nielsen, Okstad, Olson, Peterson, Popovici, Pryor, Riley, Rupiper Taggart, Sather-Wagstaff, Schnell, Totten, Ulven, Werremeyer, Wittrock, Wolfe and Ziejewski. The following senators or their substitutes voted no: Council, Grazul-Bilska, Hauck, Manthey, McCaul, Meinhardt, and Sherlock. The following senators or their substitutes abstained: Andersen and Nagel.

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Policy Coordinating Committee (continued) - For discussion only:

2. *Policy 304 - Academic Staff and Executive/Administrative Positions – Procedures for Filling* ([Attachment 7](#))

K. McCaul suggested that efforts be made to streamline policies as much as possible. Many policies contain significant amounts of procedural language, which makes them unwieldy.

3. *Policy 712.1 – Legal Representation* ([Attachment 8](#))

Concern was expressed that a lot of coordination responsibilities are placed on legal counsel in this policy.

## **Unfinished Business**

- Reports from Special Senate Committees:

1. *Policy Coordination* –

Meister reported that the policy coordination committee is making progress and developing a matrix of how policies can most effectively be coordinated to various bodies.

2. *Faculty Senate* ([Attachment 9](#)) –

T. Stone Carlson presented a proposal for the establishment of a Faculty Senate at NDSU – ([Attachment 10](#)).

MOTION (Carlson/Sather-Wagstaff): to approve the initiation of the voting process to change the University Senate Constitution.

Carlson addressed questions on how policies would be routed to the various senates, especially when they impact more than one of the bodies on campus. A coordinating committee would be established to review and route policies between and among the Senates and discuss issues affecting two or all of them. Students sought clarification on the continuation and composition of senate standing committees. The plan is to keep those largely unchanged, however, some committees represent just faculty and others require broader representation. Carlson thanked committee members for their efforts thus far.

MOTION CARRIED WITH A VOTE OF 61-2-1.

The following senators or their substitutes voted aye: Affolter, Abdelrahman, Altstadt, Andersen, Berg, Biga, Bilen-Green, Bowlin, Brodeur, Bromley, Brotherson, Brown, Carlson, Cilz, Ciuperca, Clark Johnson, Council, del Rio

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Mendoza, Doan, Froelich, Gajan, Gehrtz, Gordon, Grafton, Gramig, Grazul-Bilska, Gunderson, Hansen, Hauck, Hearne, Hoag, B. Johnson, R. Johnson, Kelsch, Khan, Kong, Law, Liguori, Manthey, May, McCaul, Meinhardt, Meister, Nagel, Nelson, Nielsen, Okstad, Olson, Popovici, Pryor, Riley, Rupiper Taggart, Sather-Wagstaff, Schnell, Sherlock, Totten, Ulven, Vonnahme, Werremeyer, Wolfe, and Ziejewski. The following senators or their substitutes voted no: Casey and Peterson. Senator Wittrock abstained.

### 3. *Academic Dishonesty* -

J. Council reported that the academic dishonesty committee is making progress and will provide a detailed report at the May meeting. Committee members are Council, D. Cooley, S. Sather-Wagstaff, C. Naughton, K. Wold-McCormick, Bethany Kubik (graduate student), and Cameron Knutson (undergraduate student).

### **New Business**

- University Senate Resolution – *Academic Facilities* ([Attachment 11](#))

Altstadt presented a resolution supporting the prioritization of academic facilities on North Dakota State University's capital improvement list. The resolution already has support of Student Government. MOTION (Altstadt/Schnell): to approve the resolution as presented. MOTION CARRIED WITH UNANIMOUS CONSENT.

### **Adjournment**

Meeting adjourned at 5 p.m.

Submitted,

Kristi Wold-McCormick, Ph.D.  
University Senate Secretary

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Attachment 1

## Academic Affairs Committee Report

### Approved Curricular Recommendations

Program Title and Prefix Change							
From: Women’s Studies (WS)				To: Women and Gender Studies (WGS)			
Program Title Change							
From: English: Practical Writing				To: Rhetoric, Writing and Culture (Ph.D.)			
Department Realignment							
From: Department of Sociology, Anthropology and Emergency Management				To: Department of Sociology and Anthropology Department of Emergency Management			
New Courses							
Subject	No.	Title				Crs.	
ABEN	747	Numerical Modeling of Environmental and Biological Systems				3	
MGMT	471/671	Leading the Nonprofit Organization				3	
MGMT	752	Organizational Restructuring				3	
MICR	724	Applied Epidemiology and Biostatistics				3	
PHRM	555	Introductory Pharmacy Practice Experience III				1	
PHRM	556	Introductory Pharmacy Practice Experience IV				1	
SOC	116	Global Social Problems				3	
WS (WGS)	112	Introduction to Masculinities				3	
Course Deletion							
CLS	300	Phlebotomy and Specimen Collection				2	
EMGT	615	Rural Society and Emergency Management				3	
EMGT	651	Floods, Blizzards, and Tornadoes				3	
EMGT	653	Emergency Management Law and Regulation				3	
SOC	420	Sociology of Disaster				3	
UNIV	402	Power of Narrative				3	
UNIV	403	Weighing the Evidence				3	
UNIV	404	Spatial Conflicts in Global Society				3	
UNIV	405	Problems of World Hunger: An Integrated Approach				3	
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
EMGT	712	Hazards Risk Assessment Theory and Practice	3	EMGT	761	Preparedness Theory and Practice	3
Change in Catalogue/Course Description – for information only							
PLSC	710	Professional Development I				1	
PLSC	711	Professional Development II				1	
UNIV	189	Skills for Academic Success				1	
Change in Prerequisites/Corequisites – for information only							
Dept.	No.	Title	Change in Prerequisite/Corequisite				
ECE	331	Energy Conversion	Remove prerequisite ECE 311 and add corequisite ECE 311				
EE	206	Circuit Analysis I (CCN)	Remove prerequisite MATH 129 and add corequisite MATH 129				
ME	442	Machine Design I	Remove prerequisite ME 423 (keep prerequisite ME 331); restrict to students in professional program of Mechanical Engineering				
ME	461	Design Project I	Add prerequisite ME 361; add corequisite ME 443 and remove corequisite ME 442 but keep corequisite ME 454				

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New Special Topics – for information only			
ECE	796	Biomedical Photonics	3
PHRM	399	Contemporary Pharmacy Practice I	1
PHRM	499	Contemporary Pharmacy Practice II	1
PHRM	596	Contemporary Pharmacy Practice III	1
PHRM	596	Contemporary Pharmacy Practice IV	1

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## Approved General Education Recommendations

<b>Outcomes Key:</b>				
1. Communicate effectively in a variety of contexts and formats.				
2. Locate and use information for making appropriate personal and professional decisions.				
3. Comprehend the concepts and perspectives needed to function in national and international societies.				
4. Comprehend intrapersonal and interpersonal dynamics.				
5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society.				
6. Integrate knowledge and ideas in a coherent and meaningful manner.				
7. Comprehend the need for lifelong learning.				
<b>Courses Withdrawn from General Education List of Approved Courses</b>				
<b>Course No.</b>	<b>Course Title</b>	<b>Categories</b>	<b>Dept or GE Request</b>	
BIOL 150	General Biology I	S(n)	Department	
BIOL 150L	General Biology I Laboratory	S(n)	Department	
<b>Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes</b>				
<b>Course No.</b>	<b>Course Title</b>	<b>Categories</b>	<b>Outcomes</b>	
HIST 431*	The North American Plains	A, D	3, 6	
<b>Continued Approval (5-Year Renewal) for General Education with Changes in Outcomes</b>				
<b>Course No.</b>	<b>Course Title</b>	<b>Categories</b>	<b>Previous Outcomes</b>	<b>Recommended Outcomes</b>
WS (WGS) 110	Introduction to Women's Studies	A, D	1, 6	3, 6

\*Pending receipt of a revised syllabus.

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

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

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

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

*General Counsel 07/08/09*

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

*This portion will be complete by Kim Matzke-Ternes*

Policy

Committee: 08/19/09 presented;

University

Senate: 09/04/09 Input; 10/30/09 routed for input

Staff Senate:

09/04/09 Input; 10/30/09 routed for input

President's

Council: 09/04/09 Input; 10/30/09 routed for input

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu)*

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For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

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

### **SOURCE:**

**NDSU President**

**SBHE Policy Manual, Section 918**

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

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

3. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and that there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students and employees to the NDSU Counseling Center Ceres 212, or to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the Employee Assistance Program provided by the Village (1-800-627-8220) or in the Fargo area (701) 451-4900. Employees may refer students in need of services to Counseling Center at (701) 231-7671. While evaluation for alcohol, drug abuse and/or addiction is not available on campus[L1], Counseling Center staff will work with the students to find appropriate community services. Referral information from Counseling Center is also available to those wishing to refer individuals to off campus agencies. Faculty, staff and students can access information on available drug and alcohol prevention programs the university offers by going to the [Alcohol and Other Drug Prevention Programs](#) website.

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

4. These guidelines apply to students, employees, as well as campus organizations, which include, but are not limited to registered student organizations under the Commission of Student Organizations. For information concerning applications of this policy, please consult the Dean of Student Life (for students), or the University Human Resources/Payroll Director (for employees).
  - 4.1 Students and employees and their respective campus organizations may not use organizational or public funds (including general and special funds) for the purchase of alcoholic beverages.
  - 4.2 Sale of alcoholic beverages by students, employees and their respective campus organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sale such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.
  - 4.3 Off-campus activity conducted by students, and employees and their respective campus organizations shall not encourage excessive and/or rapid consumption of alcoholic beverages. The use of alcohol at any such events is expected to be lawful and low risk. Registered student organizations planning off campus events at which alcohol may be available must complete and file with the Student Activities Office, Memorial Union 120, on the NDSU Event Risk Management Planning Notification Form. When planning an off-campus work related event where alcohol will be present, employees with questions about low-risk guidelines should contact the Director of Human Resources/Payroll, SGC Building (StopNGo Center).
  - 4.4 Alcoholic beverages shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective campus organizations, on or off-campus.
  - 4.5 The public display of advertising or promotion of the use of alcoholic beverages in University buildings or any other public campus area including all University owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, and large inflatable advertising, etc. (Entities that lease commercial or

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research property from the university may be excluded. However, the University may, in these leases, include provisions that will assist in its effort to promote legal and safe use of alcohol and to change the culture that perpetuates alcohol and other drug misuse and abuse.)

- 4.6 Alcohol promotional activities including advertising shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off-campus. This includes, but is not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising.
- 4.7 Advertising of alcoholic beverages shall not appear in University controlled or affiliated publications (including University affiliated web sites). Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.\*

\* Student Newspaper (The Spectrum)

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

- a. Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for one, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.
  - b. Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.
  - c. Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.
  - d. Advertising of establishments that sell alcohol shall include a statement of low-risk such as "know when to say when" or "please use our products legally and in a responsible manner".
- 4.8 Unless otherwise authorized by the President of the University, the use of alcoholic beverages during all events held on the NDSU campus is strictly forbidden (including concerts, theatrical performances, athletics events, workshops, etc.).
5. When students, student organizations, or employees violate University alcohol policy they will be subject to campus resolution. Campus resolution of such acts may proceed before, during, or after any pending civil or criminal proceedings are concluded. Since the campus actions are educational and/or managerial in nature, and not criminal proceedings, such simultaneous actions do not constitute double jeopardy and differing judgments may result.
  - 5.1 Sanctions-Students & Student Organizations: Individual students and student organizations (including fraternities, sororities, residence hall associations and registered student organizations) who are found in violation of the University policy on alcohol and other drugs are subject to one or more of the following sanctions, dependent upon the severity of the violation and the existence or absence of prior alcohol or other drug violations: (For a more complete description of these sanctions see the [Code of Student Behavior](#).) [this has link to URL, but it does not show in review format]
    - 5.1.1 No action (if alleged conflicts prove to be unfounded).

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

- a. Warning (oral or written).
- b. Behavioral probation (with or without supervision).
- c. Suspension.
- d. Voluntary withdrawal.
- e. Expulsion.

[rdj2]

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

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

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

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

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

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

## 5.2 Notice and Sanctions - Employees

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

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

Any employee convicted of violating any federal, state, or local criminal drug or alcohol beverage related statute in his or her workplace, whether on or off campus; in a University vehicle; or as part of any activity

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

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

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

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

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

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

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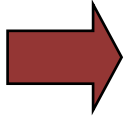
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Attachment 4

## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

### SECTION: *Policy Number and Name*

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

#### **Section 313: Annual Leave and Sick Leave**

*Per the request of the Provost & Vice President for Academic Affairs, a change to section 1.3 was made. Faculty members will now be paid their earned annual leave upon termination of their 12 month appointment.*

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

- *Office of Human Resources/Payroll*

- *Contact [Jill.spacek@ndsu.edu](mailto:Jill.spacek@ndsu.edu)*

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

*This portion will be complete by Kim Matzke-Ternes*

*Policy Introduced 03/11/2010*

*Committee:*

*University*

*Senate:*

*Staff Senate:*

*President's*

*Council:*

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu)*

*The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy.*

*If you have suggestions on formatting, please route them to [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu).*

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

*Thank you for your understanding!*

## **SECTION 313: ANNUAL LEAVE AND SICK LEAVE**

**SOURCE: NDSU President**

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## 1. ANNUAL LEAVE

- 1.1 All 12 month faculty shall be entitled to annual leave at the rate of 16 hours per month, 24 days per year.
- 1.2 Leave benefits are not granted to faculty on an academic year (9 or 10 month) contract. See Section 320 of this Manual.
- 1.3 Annual leave earned by a faculty member or other academic staff employee on a limited term 12 month appointment ~~may not be carried forward by the employee to be used or paid for during the term of a subsequent 9 month appointment. The unused annual leave hours shall not be forfeited, but shall be reserved for use during a subsequent 12 month appointment or paid for at the time of the employee's eventual resignation or retirement from the University~~ **will be paid upon termination of the 12 month appointment.**

## 2. SICK LEAVE

- 2.1 Sick leave for full-time 12-month faculty accrues on the basis of one working day per month of service. Sick leave accumulation is unlimited.
- 2.2 Faculty on an academic year appointment are not entitled to sick leave within this definition. See Section 320 of this Manual. For general policies regarding annual and sick leave, see Sections 130 and 143.

HISTORY: July 1990, October 2007

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Attachment 5

## SECTION: 603: Sexual Assault Student Policy

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

*The policy had not been comprehensively reviewed and updated in many years. This revision attempts to clarify terminology, process and expectations.*

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

*Sexual assault policy review task force comprised of representation from Student Affairs; Equity, Diversity & Global Outreach; and Finance & Administration  
Fall 2009*

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

*This portion will be completed by Kim Matzke-Ternes*

Policy 10/14/2009 Presented to PCC; will be carried over to November meeting due to changes that had been done but not yet sent to the PCC. 11/12/09 – brought back to pcc with changes that have been made.; 11/27/09 wording change in section 6

University Senate: 11/27/09 route for input; 03/05/10 route for input

Staff Senate: 11/27/09 route for input; 03/05/10 route for input

President's Council: 11/27/09 route for input; 03/05/10 route for input

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

## SECTION 603: SEXUAL ASSAULT STUDENT POLICY

For any questions

Please send e-mail to:

NDSU.Policy.Manual@ndsu.edu

## SECTION 603: SEXUAL ASSAULT AND OTHER SEXUAL OFFENSES STUDENT POLICY

SOURCE:  
NDSU President

1. INTRODUCTION: A goal of North Dakota State University (NDSU) is to create a campus community free from interpersonal abuse including sexual assault. NDSU commits its resources to the following twofold process: 1) to provide crisis intervention and a disciplinary response for victims and alleged offenders, and 2) to educate and promote discussion on interpersonal abuse and violence.

2. DEFINITIONS: For the purpose of this policy, the following definitions apply:

2.1 **Sexual Assault** is any sexual act between two or more people to which one person does not or cannot consent. This includes sexual acts or contacts with others that can involve:

- Compelling a person to submit to sexual acts or contacts by force, threat of force, or intimidation[JMS1]
- Use of intoxicants to substantially impair the person's power to give consent  
Engaging in such acts when the person suffers from a mental state that renders him or her incapable of understanding the nature of the contact-this includes, but is not limited to, situations

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when an individual is intoxicated, “high”, scared, physically or psychologically pressured or forced, passed out, unconscious, intimidated, coerced, mentally or physically impaired, beaten, isolated, or confined

- When the victim is under fifteen years of age.

2.2 **Sexual Misconduct** occurs when a sexual act is committed without intent to harm another and when by failing to correctly assess the circumstances, a person believes unreasonably that consent was given without having met his/her responsibility to gain effective consent. Situations involving physical force, violence, threat or intimidation fall under the definition of Sexual Assault, not Sexual Misconduct, and will be treated as such under these procedures.

2.3 **Sexual Act** includes, but is not limited to:

- Sexual intercourse
- Sodomy (oral and/or anal),
- Sexual penetration with any object,
- Touching of a person’s intimate parts (genitalia, groin, breast, buttocks, or clothing covering them), or
- Compelling a person to touch his or her own or another person’s intimate parts without consent.

2.4 **Non-contact Sexual Violations** [JMS2]

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

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

2.5 **Consent** means words or actions that show a voluntary agreement to engage in mutually agreed upon sexual activity. Consent is an affirmative decision given by clear actions or words. It is important not to make assumptions. If confusion or ambiguity on the issues of consent arises anytime during the sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

### 3. POLICY:

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

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

Note: Sexual harassment is addressed by Policy #162, NDSU Policy Manual.

4. **PREVENTION:** NDSU considers both physical surroundings and educational programming in addressing prevention of campus sexual assault, sexual misconduct and non-contact sexual violations. The University continually reviews and modifies the physical surroundings to foster security and safety, including but not limited to such factors as emergency phones, lighting, and locking procedures. For further safety information, contact the University Police and Safety Office on the NDSU Campus ([http://www.ndsu.nodak.edu/ndsu/police\\_saftey/police](http://www.ndsu.nodak.edu/ndsu/police_saftey/police)). NDSU offers curricular and co-curricular educational experiences concerning personal safety and sexual assault. NDSU also recognizes that individuals reduce their risk of sexual assault through a process of learning and practicing preventative actions. For further information on pertinent campus educational opportunities, contact the NDSU Dean of Student Life Office.

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5. **INTERVENTION:** The NDSU community actively supports individuals who experience sexual assault, sexual misconduct and non-contact sexual violations through a coordinated response system that attends to their physical and emotional well-being. NDSU disciplinary efforts respect the personal rights of all parties. For further information, see "NDSU Rights and Responsibilities of Community: A Code of Student Behavior" and "NDSU Calendar Handbook" distributed by Residence Life. All reports of sexual violations are treated with respect to the privacy of the involved individuals, to the extent permitted by law. Incidents are reported to appropriate departments and agencies in consideration of safety concerns and investigative needs. In addition, NDSU publishes and disseminates annual statistics on incidents of sexual assault in the annual "Personal Safety and Security" publication (available in printed and online form).
6. **DISCIPLINARY:** NDSU assigns sanctions upon individuals found responsible for violating the sexual assault, sexual misconduct, and non-contact sexual violations policy. These sanctions can include but are not limited to suspension and expulsion. Individuals charged with sexual violation may be subject to criminal prosecution under state or federal statutes. The accused may also face civil proceedings.
7. **REPORTING:** The guiding principle in the report of a sexual violation [JMS3] is to avoid re-victimizing the survivor by forcing the person into any plan of action. Survivors may contact any one of several NDSU departments or community agencies for assistance. The following resources provide immediate aid or ongoing consultation:
  - NDSU University Police & Safety Office 701-231-8998 (Available 24 hours)  
[www.ndsu.edu/ndsu/police\\_safety/index.html](http://www.ndsu.edu/ndsu/police_safety/index.html)
  - Fargo Police 911 (Available 24 hours)  
[www.cityoffargo.com/CityInfo/Department/Police](http://www.cityoffargo.com/CityInfo/Department/Police)
  - NDSU Counseling Center 701-231-7671 (Available 24 hours)  
[www.ndsu.edu/counseling/](http://www.ndsu.edu/counseling/)
  - NDSU Student Health Services 701-231-7331  
<http://wellness.ndsu.ndsu.nodak.edu/shs/>
  - Vice President for Student Affairs 701-231-7701  
<http://www.ndsu.edu/ndsu/vpsa/index2.shtml>
  - Resident Hall Director/Resident Hall Assistant (see Residence Hall directory)  
<http://www.ndsu.edu/reslife/>
  - F-M Rape & Abuse Crisis Center 701-293-7273 (Available 24 hours)  
[www.raccfm.com](http://www.raccfm.com)
  - Dean of Student Life Office 701-231-6537  
<http://studentlife.ndsu.nodak.edu>

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

- 7.1) In the event of a medical emergency, medical response personnel will be contacted (911).
- 7.2) If survivors are undecided in reporting, they will be encouraged to preserve evidence anyway, in case the survivor decides to file a police report at a later date.
- 7.3) North Dakota law ensures that a survivor of sexual assault [JMS4] will be provided a sexual assault exam at no cost.
- 7.4) The sexual assault [JMS5] survivor who does not wish to see the police will be encouraged to go to the hospital. A medical consultation will address physical problems and may diminish fears about injury, venereal disease, or pregnancy. The medical exam includes preserving evidence in the event that the sexual assault survivor later chooses to file a police report.
- 7.5) When a survivor contacts the University Police & Safety Office, the NDSU Counseling Center and or The Rape & Abuse Crisis Center may be notified for immediate emergency assistance. The Counseling Center will

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support the survivor experiencing possible conflicting feelings and aid in developing options. If the survivor has decided not to report the violation, the counselor will maintain confidentiality.

## 7.5.1 Other alternatives include:

- a. The survivor can make an anonymous report to the police.
- b. The survivor can make the decision to report later; however, earlier reports may improve the preparation of a viable prosecution.
- c. Based on experience, the survivor can raise the awareness of friends about personal safety.
- d. At anytime, NDSU students who are survivors of sexual violations may seek counseling from the NDSU Counseling Center or other community counseling services.

7.6) The survivor may choose to contact the NDSU Dean of Student Life Office. If the incident occurred off-campus the survivor will be advised to consider contacting the appropriate police department and filing a police report.

7.7) If the accused is an NDSU student, the procedures to be followed are outlined in "NDSU Rights and Responsibilities of Community: A Code of Student Behavior." Initially, the survivor can expect the following assistance from the Dean of Student Life Office:

7.7.1 The survivor will be encouraged to file a police report.

7.7.2 If the survivor is an NDSU student and does not choose to file a report, the student may still request procedural services from the Dean of Student Life Office.

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

7.7.4. On-campus adjudication is conducted through the Dean of Student Life Office. Further proceedings are outlined in "Rights and Responsibilities of Community: A Code of Student Behavior." Disciplinary proceedings following a sexual assault report include:

i) The right of the accuser and the accused to have the same opportunities in having others present during the campus disciplinary process; and

ii) the right of the accuser and the accused to be informed of the outcome of the campus disciplinary process.

c. In the event of a successful off-campus prosecution, the University reserves the right to proceed with an on-campus adjudication, based on the court's guilty finding, with or without the participation of the sexual assault survivor.

7.8) The Dean of Student Life Office and the NDSU Police & Safety Office offer the following services to assist the sexual assault survivor:

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

HISTORY: September 1995, October 2007, January 2008

POLICY MANUAL HOME PAGE: [SEARCH POLICY:NDSU HOME PAGE](#)

NDSU Policy Manual

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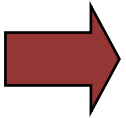
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## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

### SECTION: *190 Employee Responsibility and Activities: Intellectual Property*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - *The Research and Consulting Committee (RCC) was charged by the University Senate Executive Committee with reviewing Policy 190. The RCC has been working on review since December 2007. At its February 25, 2010 meeting, the RCC voted to approve the attached modifications to Policy 190 and to forward to the PCC.*
  - *The proposed modifications, while still in line with the Source for the policy (SBHE Policy Manual, Section 611.2), included the following:*
    1. *under definitions, terms were added that had previously been in other areas of 190.*
    2. *Language was rearranged to make the policy easier to read and understand, and some edits were done to clarify language and eliminate redundancies.*
    3. *Plant Variety Protection (PVP) was retained as a subpart to Section 4, NDSU Patent Review Procedures, rather than being its own section. More clarifying language and edits were done to the PVP language to update the policy and remove internal Experiment Station procedure language.*
    4. *Subpart b. of Section 8, Student Work, was expanded to provide greater detail on student inventions, more in line with language under Section 8.a. on copyrights of student work.*

*The RCC understands that the SBHE is forming a committee to review SBHE policy 611.2. Once that review is complete, the RCC anticipates it will again review 190 in light of any proposed changes to 611.2.*

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

- *Research and Consulting Committee, March 5, 2010*
- *Valrey V. Kettner, RCC Committee Chair; [val.kettner@ndsu.edu](mailto:val.kettner@ndsu.edu)*
- 

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

*This portion will be complete by Kim Matzke-Ternes*

Policy

Committee: 03/11/10 – presented

University 03/2010 routed for input  
Senate:

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Staff Senate: [03/2010 routed for input](#)

President's [03/2010 routed for input](#)  
Council:

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu)*

*The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy.*

*If you have suggestions on formatting, please route them to [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu).*

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

*Thank you for your understanding!*

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## SECTION 190: EMPLOYEE RESPONSIBILITY AND ACTIVITIES: INTELLECTUAL PROPERTY

### SOURCE: SBHE Policy Manual, Section 611.2

#### 1. General Principles.

The primary purposes of this policy are to encourage and promote research and scholarship based on the traditional principles of the academic profession. These products may constitute Intellectual Property that could be of financial benefit to the individuals involved and the Institution. This policy establishes guidelines to support faculty, staff, and students, in identifying, protecting and administering Intellectual Property and defining the rights and responsibilities of all involved. This policy governs unless a policy on specific Intellectual Property provides a different rule.

#### 2. Definitions.

a. "Author(s)": Person who creates a Copyrightable Work.

b. "Copyrightable Work or Work": An original Work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, such as books, journals, software, computer programs, musical work, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works, etc. A Work may be the product of a single Author or a group of Authors who have collaborated on a project. A Work is created by an Author.

c. "Creator": Either an Inventor(s) in the context of an Invention, or an Author(s) in the context of a Copyrightable Work.

d. "Institution": The individual colleges and universities and the North Dakota University System.

e. "Inventor(s)": Person(s) who creates an Invention. The term "Inventor(s)" includes "Breeder(s)" or "Plant Breeder(s)" as defined by the PVPA, 7 U.S.C. § 2401(a)(2). [Spartan1] In regards to plant variety protection, a "Breeder" is the person(s) who directs the final breeding creating a variety and/or the person(s) who discovers and develops the variety. 7 U.S.C. § 2401(a)(2). [Spartan2] Like patent law, persons whose work is directed by the Inventor are not considered the Breeder as they do not direct the breeding process. [Spartan3]

f. "Intellectual Property": Collectively, all forms of property created by the mind including, but not limited to, Inventions, Copyrightable Work, Trademarks, and Tangible Research Property.

g. "Invention": A process, method, discovery, device, plant, composition of matter, or other Invention that reasonably appears to qualify for protection under the United States patent law (including, but not limited to, utility patent, plant patent, design patent, certificate of Plant Variety Protection, etc.), whether or not actually patentable. An Invention may be the product of a single ~~inventor~~ Inventor or a group of ~~inventors~~ Inventors who have collaborated on a project.

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(1) *In regards to plant variety protection, "discover" means finding a natural plant which results in breeding a variety, or finding a new variety by performing experiments on results of cross-breeding and realizing that the resulting plant is different and closer in characteristics to a desired variety.*

(2) *In regards to plant variety protection, "develop" means to make additional selections for (1a) cross-breeding and/or (2b) developing pure lines. This may lead up to the variety for which protection is sought or may eliminate variance and convert a non-uniform variety to a uniform variety using the desired characteristics.*

[Spartan4]

h. "Mediated Courseware": Teaching aids created and/or deployed electronically. Mediated Courseware may incorporate text, graphics, video, and audio elements. Examples of such materials include, but are not limited to, hypertext modules, simulation software, web sites, and databases containing numbers, images, or text.

i. *"Net Royalties": Net Royalties are defined as gross royalties and fees less the expenses incurred by the Institution in conducting the research and in procuring, protecting, preserving, maintaining, and licensing the patent and related property rights, and such other costs, taxes, or reimbursements as may be necessary or required by law.* [Spartan5]

j. "Significant Use of University System or Institution Resources": Significant Use of Institution Resources means an ~~Inventor's or~~ [Spartan6] Author's [rdj7] use of other employees' time or Institution facilities or equipment that appreciably increases the Institution's costs beyond those normally incurred in support of an employee in the Institution. Significant Use does not include the normal use of Institution employees, facilities, or equipment commonly available to faculty, staff, ~~students,~~ [Spartan8] or the public, such as libraries, Internet access, office space, office equipment, computers, and/or office supplies. Unless otherwise agreed, Significant Use also does not include the use of Institutional developmental leave time, so long as it does not appreciably increase the Institution's costs beyond those normally incurred in support of an employee of the Institution.

k. "Tangible Research Property": Tangible items produced in the course of research including, but not limited to, such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. Individual items of Tangible Research Property may be associated with one or more intangible properties, such as Inventions, Copyrightable Work, and Trademarks. An item of Tangible Research Property may be the product of a single Creator or a group of individuals who have collaborated on the project.

l. "Trademark" (including Service Mark): A distinctive word, design, or graphic symbol, or combination word and design, that distinguishes and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs, or the Institutional names, logos, or derivatives thereof.

m. "Work For Hire": Defined pursuant to Federal Copyright Law which includes a Work prepared by an employee within the scope of employment or a Work created pursuant to a written agreement identifying the Work as a Work for Hire.

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## 3. General Patent Policy.

a. The North Dakota State Board of Higher Education encourages the faculty, staff, and others associated with the Institutions under its jurisdiction to seek patents on Inventions as a method of bringing recognition and remuneration to all parties involved. Each Institution shall establish a "patent review procedure" to define the Institution's processing of such Inventions or discoveries, consistent with Board policy. The Inventor(s) shall submit to the Institution the conception and/or reduction to practice of all potentially patentable discoveries prior to ~~making any~~ [Spartan9] public "enabling" disclosure.

b. A patentable discovery may arise from the development of a new and useful process, device or apparatus, article of manufacture, composition of matter (including chemical compounds, microorganisms, and the like), plant, or related improvement, or a new use for a known material or device. A public "enabling" disclosure is one which will enable others in the same or a related field to fully understand and practice the Invention. The Institutional "patent review procedure" shall assure provision of guidelines to the Inventor(s) in defining what may constitute a public "enabling" disclosure.

[Spartan10]

c. The Institution shall have the right of first refusal to the title of all patentable discoveries ~~or other intellectual property~~ [rdj11] [Spartan12] derived with the use of facilities, gifts, grants, or contract funds through the university, subject to restrictions arising from the overriding obligations of the Institution pursuant to gifts, grants, contracts, or other agreements with outside organizations. The Inventor(s) shall provide all necessary declarations, assignments, or other documents as may be necessary in the course of Invention evaluation, patent prosecution, or protection of patent rights to assure that title in such Inventions shall be held by the Institution or other parties as may be appropriate under the circumstances.

d. The Institution shall have six months in which to assess the technical and commercial viability and patentability of the discovery in accordance with Institutional procedures. If the Institution judges the discovery not to be patentable, or decides not to pursue a patent, and, in the absence of over-riding obligations to outside sponsors of the discovery ~~and subject to NDSU procedures,~~ [Spartan13] all rights will revert to the Inventor. In no instance, and regardless of ownership of the patent, may the Institution's name be used in connection with the marketing of the Invention. [Spartan14]

(1) Subject to restrictions arising from overriding obligations of the Institution pursuant to gifts, grants, contracts, or other agreements with outside organizations, the Institution agrees, for and in consideration of the assignment of ~~ownership of Intellectual Property rights, including~~ [Spartan15] patent rights ~~or Inventions~~ [rdj16], to pay annually to the named Inventor(s), or to the Inventor(s)' heirs, successors, or assigns, a minimum of 30 percent of the ~~Net Royalties~~ [Spartan17] and fees received by the Institution.

(2) When there are two or more Inventors, each Inventor shall share equally in the Inventor's share of ~~Net Royalties~~ [Spartan18], unless all Inventors have agreed in writing to a different distribution of such share. The Institution will have final authority over any agreement purporting to share rights and/or ~~Net Royalties~~ [Spartan19] between participating parties.

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(3) In addition to the Inventor's(s') share, the Net Royalties [Spartan20] shall be disbursed by negotiated agreement with allocations to the originating department, the originating college/school, and the Institution. In the disposition of any Net Royalties [Spartan21] accruing to Institutional parties, other than the Inventor(s), support of research shall receive first consideration. The "patent review procedure" shall outline the negotiation and distribution mechanism at each Institution.

(4) The provisions of this section apply to plant variety protection unless inconsistent with Institution policy.

## 4. NDSU Patent Review Procedures. [Spartan22]

a. NDSU shall adopt procedures implementing SBHE Policy 611.2 [Spartan23] that include:

(1) Procedures for required disclosure of Intellectual Property;

(2) Procedures for review, evaluation, and protection of Intellectual Property;

(3) Rules governing distribution of Net Royalties [Spartan24] or fees;

(4) A process for resolving disputes; and

(5) A process for informing faculty, staff, and students of the rights and responsibilities of Intellectual Property.

[Spartan25]

b. Upon employment, all regular employees must sign the NDSU Intellectual Property Agreement. Temporary employees may be required to sign as well based on supervisor discretion. A failure to have the Agreement signed in no way changes or lessens the applicability of this Policy. [Spartan26]

c. NDSU patent policy provides that discoveries or Inventions developed by faculty, staff, students, and associates using NDSU facilities, time, or materials shall be vested in NDSU. [Spartan27] Any Invention developed by faculty, students, employees and associates using NDSU facilities, time or materials, must be reported to the NDSU Technology Transfer Office (TTO). Adjunct faculty are subject to this policy if working on NDSU projects or using NDSU facilities unless expressly exempted by the Vice President for Research, Creative Activities & Technology Transfer (VPRCATT).

[Spartan28]

d. Faculty, staff, students, and associates with discoveries or Inventions will supply the appropriate materials and descriptions to the TTO [Spartan29] using the appropriate invention report or disclosure form(s) [Spartan30] for processing prior to any public disclosure to prevent loss of patent rights. [Spartan31] The TTO shall be responsible for determining the procedure to be followed in securing patent protection and the assignment of rights to be made. [Spartan32]

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*e. Ownership of such patent rights normally will be assigned to NDSU except in the following cases:*

*(1) When NDSU, in turn, elects not to pursue a patent, ownership reverts to the Inventor(s). As a condition of its release of the right to ownership, NDSU may elect to receive up to 30% of any net income (gross income less legal and licensing expenses) received by the Inventor(s) from the Invention or Work. NDSU/NDSU Research Foundation (NDSU/RF) may negotiate an equity position in a start-up business. Inventor(s) shall not assign, transfer, or license such Intellectual Property <sup>[Spartan33]</sup> as a result of a consulting contract or other means so as to avoid payment to NDSU of its share under this section.*

*(2) When prior agreement between NDSU and an external agency assigned all rights to the agency, usually as a condition of a contract or grant.*

<sup>[Spartan34]</sup>

*f. ~~The Vice President for Research, Creative Activities, & Technology Transfer~~ VPRCATT must approve the conditions of any contract or grant in which*

- (1) the disposition of patents is specified as being other than to NDSU and/or*
- (2) in which specific licensing agreements are specified.*

<sup>[Spartan35]</sup>

*g. NDSU will have a period of six (6) months from full and complete disclosure to evaluate the commercial viability and patentability of the discovery. This evaluation may be extended beyond six months if Invention. If further research or development activity is required to ensure patentability and/or market or commercial feasibility, this evaluation period may be extended for a period not to exceed six (6) months, upon mutual written agreement between the parties. If the discovery is patentable, NDSU will find a mechanism to obtain patents and arrange licenses.* <sup>[Spartan36]</sup>

*h. NDSU may assign or transfer ownership rights in Intellectual Property to independent foundations created for the purpose of obtaining or administering and marketing NDSU Intellectual Property, receiving gifts, or supporting or promoting NDSU or NDSU research.* <sup>[Spartan37]</sup> *For NDSU, the NDSU Research Foundation (NDSU/RF) is the independent foundation recipient of assignments of patents, copyrights, trademarked cultivars, and plant variety protection.*

<sup>[Spartan38]</sup> *NDSU/RF files for the appropriate Intellectual Property protection and is responsible for subsequent enforcement.* <sup>[Spartan39]</sup>

*i. Should a scientist believe s/he is an Inventor entitled to a portion of the Inventor share and has not been so identified as stated in section 4(d), the scientist must promptly notify her/his Department Chair/Head or Unit Director in writing of her/his claimed inventorship before the patent publishes. If disputes regarding inventorship or distribution of Net Royalties occur, resolution will be made by a panel consisting of the Academic Dean(s) involved, the Vice President for*

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*Research, Creative Activities, & Technology Transfer and the VPRCATT in consultation with the university attorney-General Counsel. Such agreements shall be on file in the TTO* [Spartan40]. [Spartan41]

*j. Net Royalties from Inventions* [Spartan42] *shall be shared by the Inventor(s), NDSU, and the NDSU/RF* [Spartan43]. *Inventor(s) shall receive a minimum of 30% of the Net Royalties* [Spartan44] *with the remainder being distributed as per agreement between the NDSU/RF and the NDSU contributing colleges(s), department(s), and/or other units to support endeavors to enhance NDSU research.* [Spartan45] [Spartan46]

*k. Plant Variety Protection.* [Spartan47]

*(1) Unless otherwise provided for below, the general provisions of NDSU Policy 190 shall apply to plant variety protection. The term "variety" includes germplasm, natural selections, cultivar, inbred lines, or hybrids. Intellectual Property protection may be obtained on all varieties.* [Spartan48]

*(2) At the time of release or before plant variety protection is filed, ownership of the variety is assigned to NDSU/RF.* [Spartan49]

*(3) Per North Dakota law, N.D.C.C. § 15-10-17(9) and SBHE Policy 611.2, the percentage of the Net Royalties due the Inventor is established pursuant to rules of the State Board of Higher Education and NDSU* [See 4(j)]. [Spartan50] [Spartan51]

*(4) The North Dakota Agricultural Experiment Station* [Spartan52] *(NDAES) supports the following internal distribution of Net Royalties* [Spartan53] *generated from the utilization of plant varieties developed by the NDAES. First* [Spartan54], *the NDSU/RF will be reimbursed for expenses. Then, Net Royalties* [Spartan55] *will be distributed by NDSU/RF as follows:*

*i. 20% to the NDSU/RF from in-state licensing royalties (or 32.5% from out-of-state licensing royalties or 35% from foreign licensing royalties),*

*ii. 30% to the Inventor(s),*

*iii. 50% from in-state collected royalties (or 37.5% from out-of-state licensing royalties and or 35% from foreign licensing royalties) to be distributed as directed by NDAES to the contributing departments or units.* |

[Spartan56]

*The NDAES and the NDSU/RF can negotiate to change the NDAES and NDSU/RF percentages on a case-by-case basis.* [Spartan57]

*(5) The Breeder or her/his immediate supervisor, in consultation with the relevant Department Chair/Head,* [Spartan58] *will identify, before a variety release, other scientists who provided inventive activity towards the development of the variety. Following pre-release, but in no event later than the release, the Breeder and the*

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*other [Spartan59] scientists will decide how to divide the Inventor share among themselves and will recommend this distribution to the Department Chair/Head and Director of the NDAES. [Spartan60]*

*(6) Should a scientist believe that s/he is a Breeder entitled to a portion of the Inventor share and has not been so identified as stated in this section, the scientist must notify her/his Department Chair/Head or Unit Director and [Spartan61] the Director of the NDAES in writing of her/his [Spartan62] claimed inventorship before the release of the variety [Spartan63]. Disputes on inventorship or department/unit distributions shall be resolved by a decision panel [Spartan64] which shall consist of the VPRCATT, the Vice President for Agriculture and University Extension (VPAUE), Director of the NDAES, and the Department Chair/Head(s) [Spartan65] involved, in consultation with General Counsel. The VPAUE may include an advisory panel of faculty with expertise in the area to advise the decision panel. [Spartan66]*

*(7) Upon termination of employment, a Breeder must identify to her/his immediate supervisor, the Director of the NDAES, and TTO of any advanced genotype(s) in which s/he claims inventorship. The Institution and the Inventor [Spartan67] shall negotiate rights in the varieties. If the Inventor fails to make this disclosure prior to or at the time of termination of employment, Inventor shall be deemed to have waived any rights to Net Royalties [Spartan68] on nondisclosed varieties. Net Royalties [Spartan69] may be paid only for a set term pursuant to the agreement on advanced genotypes released as varieties. [Spartan70]*

*(8) The Breeder [Spartan71] shall elect at the time of release of the variety to receive or permanently waive some or all of that share that such Breeder(s) is/are entitled to receive from Net Royalties [Spartan72], if any, from the variety. [Spartan73]*

*I. It is the responsibility of employees to ensure that the terms of their consulting agreements with third parties do not conflict with their commitments to the Institution. Each employee shall make the nature of the employee's obligations to NDSU clear to any third party for whom the employee expects to consult. Specifically, the scope of the consulting services must be distinguished from the scope of research commitments to NDSU. (See NDSU Policy Section 152)*

[Spartan74][Spartan75][Spartan76]

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## 5. General Copyright Policy.

a. Except as otherwise explicitly provided under this policy or applicable law, an employee who creates a Work retains copyright ownership of the Work. If there has been Significant Use of University System or Institutional Resources, the provisions of section ~~4b5(b)~~ of this policy shall apply.

b. If there has been Significant Use of Institutional Resources, as defined in section 2 of this policy, to create a Copyrightable Work, the ownership of which is vested in the individual employee, the Institution shall be reimbursed out of the ~~royalties~~Net Royalties, in accord with an agreement between the employee and the Institution, up to that amount that constitutes the Institution's Significant Use. The Institution shall be reimbursed for the Significant Use of any facilities, personnel or resources, except those considered part of the normal academic environment including library facilities. *This pertains to all Copyrightable Work except Copyrightable Software as described in section ~~6-7~~.* [Spartan77]

c. If employees are employed or commissioned by the Institution or agencies of the Institution for the creation of Work, or if by prior agreement they are assigned to produce or develop Work in the course of their regular duties, and if such Work is deemed appropriate for copyright, it must be reported to the ~~NDSU Technology Transfer Office~~TTO pursuant to its copyright review procedure. In such instances, the ~~NDSU Technology Transfer Office~~TTO shall have the first option to secure copyright in the name of the Institution. Should the ~~NDSU TTO~~committee decide, in writing, it would not be appropriate to secure copyright, the employee then may proceed to personally secure the copyright.

d. Net Royalties received as a result of copyright ownership by the Institution will be disbursed, with at least 30 percent to the employee(s). *The remainder ~~would~~will be distributed according to NDSU Procedures ~~(4(i))~~.* [Spartan78]

## ~~5-6.~~ Mediated Courseware.

a. Self-initiated Mediated Courseware. When employees develop Mediated Courseware without specific direction by the Institution, unless otherwise agreed, the ownership of the courseware shall remain with the employee. Normally, no royalty, rent or other consideration shall be paid to the employee when that Mediated Courseware is used for instruction at the Institution and such Mediated Courseware shall not be used or modified without the consent of the employee. While the Creator is under Institutional employment, the Mediated Courseware shall not be sold, leased, rented or otherwise used in a manner that competes in a substantial way with the for-credit offering of the employee's own Institution unless that transaction has received the approval of the chief academic officer of the Institution. The Institution shall have a perpetual, non-exclusive royalty-free right to use such courseware for archival research purposes. Should approval be granted to offer the course outside of the Institution, the provisions of section ~~4b5(b)~~ of this policy shall apply.

b. Institution-directed Mediated Courseware. When the Institution directs in an employment contract the creation of a specific Mediated Courseware, the resulting Mediated Courseware belongs to the Institution and the Institution shall have the right to revise it and decide who will utilize the Mediated Courseware in instruction. The Institution may specifically agree to share revenues, pursuant to the General Patent Policy with the employee(s) receiving a minimum of 30 percent of the ~~net royalties~~Net Royalties and fees, and control rights with the employee.

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c. Development and use of Institution-directed Mediated Courseware shall be reported to the unit head and/or college administrator with a copy to the Technology Transfer Office TTO <sup>[Spartan79]</sup> at the Institution.

## ~~6.7.~~ Copyrightable Software.

Unless a separate written agreement provides otherwise, software created by employees within the scope of their employment and not covered under Mediated Courseware in section 56 of this policy shall be treated as a Work for Hire, owned by the Institution and commercialized pursuant to the General Patent Policy, with the employee(s) getting a minimum of 30 percent of the ~~net royalties~~ Net Royalties and fees. The remainder will be distributed according to NDSU Procedures (4(j)).

## ~~7.8.~~ Student Work / Intellectual Property.

a. The ownership of copyrights in student Work is governed by the following:

(1) Copyright ownership of student Work that is performed in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grants from funds administered by the Institution shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the Institution.

(2) Copyright ownership of student Work generated by research performed in whole or in part utilizing equipment or facilities provided by the Institution under conditions that impose copyright restrictions shall be determined in accordance with such restrictions.

(3) Students will own the copyrights to their Work not within the provisions of (1) and (2) above; however, a student must, as a condition to a degree award, grant royalty-free permission to the Institution to reproduce and publicly distribute, including by electronic means, copies of the student's Work.

(4) Where there is Significant Use of Institution Resources, copyright ownership shall be determined under section ~~4b5(b)~~ of this policy.

b. Ownership of student Inventions shall be governed by the Patent Policy in ~~section~~ sections 3 & 4 of this policy. *It is the policy of North Dakota State University NDSU that this grant of ownership and control extends to any Work products or written and electronic reports of ~~employees~~ students that are essential for documentation of any ~~invention~~ Invention or discovery resulting from research administered by the ~~institution. Graduate student employees~~ Institution. Students who are performing services as teaching assistants or research assistants or who are using university resources shall therefore be required by the departmental administrator to submit the original form of any laboratory notebook, spectral information, electronic data, and other written documentation related to University-administered research.*

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Policy 190 Version 1 ~~March 5, 2010~~ 031210

- (1) Inventions which are created on the student's own time and which do not involve Significant Use of University System's or Institution's Resources shall belong to the student.
- (2) Ownership of a student Invention that is created in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grants from funds administered by the Institution shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the Institution.
- (3) Ownership of a student Invention generated by research performed with Significant Use of Institution resources (utilizing equipment or facilities provided by the Institution under conditions that impose Invention restrictions) shall be determined in accordance with such restrictions.

## [Spartan80] 9. General Trademark Policy [Spartan81]

NDSU may develop a Trademark policy that provides for the protection of NDSU Trademarks and Service Marks.

HISTORY: New policy to reflect SBHE policy 611.2, incorporates NDSU policies 340, 341 and 342, May 2005.

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**VERSION 4 – 6/1/09**

## POLICY CHANGE COVER SHEET

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

### **SECTION 304: ACADEMIC STAFF AND EXECUTIVE/ADMINISTRATIVE POSITIONS - PROCEDURES FOR FILLING**

*This Policy is being changed to account for the new Online Application Process that NDSU started this past August.*

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

Policy Committee: Reviewed on 3/11/09. Routed for information.

Reviewed on 5/20/09. Minor changes made. 10/14/09 carryover to November meeting

University Senate: Reviewed on 4/20/09. Sent back to PCC with changes.

Staff Senate: 09/09 approved

President's Council:

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

VP – Division of Equity, Diversity and Global Outreach

1. All academic staff (instructors, assistant, associate or full professors and lecturers) and other positions with in the 2000 job codes family and executive/administrative positions (job family 0000) that qualify for fringe benefits must be filled according to the following procedures. Recruitment areas/methods are found in [Section 103.1](#).

- 1.1 “Create an Opening” in the Online Employment System and forward through the approval process up to the Office for Equity, Diversity and Global Outreach. Indicate search committee members, where to advertise, and provide any other necessary information or attachments.

~~Complete a Request to Recruit form and circulate with necessary attachments for approval signatures.~~ A notice of approval will be sent from the Office for Equity, Diversity and Global Outreach ~~Provost and Vice President for Academic Affairs' Office~~ to the search committee chair and the department chair/head or other appropriate unit administrator.

For equal opportunity/affirmative action purposes, particular attention will be given to:

- **completeness** of the position description
- **specificity** of qualifications
- **consistency** of qualifications ~~on Request to Recruit~~ with those in flyers and/or advertisements
- **details** of the recruitment plan which should include:
  - both formal and informal recruitment methods

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- specific efforts to reach those in traditionally underrepresented groups (see [Section 103.1](#) on recruitment areas and methods)

1.2 After receiving the notice of approval ~~for the Request to Recruit~~, the department initiates the recruitment efforts described ~~on the Request to Recruit~~ by placing both hard copy and electronic advertisements, distributing position announcements, etc., and retaining documentation for the transaction file (see this section, No. 1.10.41). ~~An electronic copy of the position announcement should be sent to the Equity and Diversity Office for posting on standard web sites: NDSU employment page, Higher Ed Jobs, and Career Fargo.~~ If changes occur in the recruitment plan, please the department shall notify The Equity and Diversity Office for Equity, Diversity and Global Outreach.

1.3 Once the opening Request to Recruit has been completely approved, the Office for Equity, and Diversity and Global Outreach will ~~create a Job Requisition in Recruit Workforce and~~ send the following to the search committee chair:

- ~~• a copy of the approved Request to Recruit that includes the Job Requisition number;~~

~~NOTE: The department is responsible for entering and updating applicant information n Recruit Workforce; at least one support staff member in each department has Recruit Workforce access to do this task.~~

- ~~• a supply of applicant flow cards and envelopes (See [Section 105](#));~~
- a copy of the NDSU recruitment brochure (additional copies are available from the Office for Equity, and Diversity and Global Outreach for recruitment activities);
- a list of women and minority doctoral candidates, when available and appropriate.

In addition, ~~for positions that do NOT include teaching responsibilities, a packet of information about the ND Veteran's Preference Law and of the screening process required in order to comply with that law.~~ the following information for use in the recruitment and hiring process is available online:

- [NDSU Procedures](#) for Recruitment/Selection of Nonbroadbanded Positions Subject to the ND Veteran's Preference Law

-A form for applicants to use in claiming the [ND veteran's preference](#)

-["Legal Watch"](#) on the ND veteran's preference law

- [Employment Inquiry Guide](#) (guidelines for appropriate questioning during reference checking and interviewing)
- [Interviewing Guidelines for ADA Compliance](#)

The following institutional forms may be downloaded and/or completed on-line:

- ~~• [Recruitment Employment Checklist](#)~~
- [Interview Report](#)
- [Request to Offer](#)

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• ~~Criminal Record Disclosure Form~~

• [NDSU Hiring Form 100/102: Job Data](#)

• [NDSU Change Form: 101](#)

- 1.4 Conduct the screening process using the qualifications ~~indicated given on the Request to Recruit form.~~ (Keeping notes about this process will be helpful in completing the transaction file.) Those who do not meet minimum qualifications should be notified promptly that they are no longer being considered and their lack of qualifications noted ~~in their applicant status in the Online Employment System. on the Recruitment/Employment Checklist.~~

- 1.5 ~~The search committee, in consultation with the department/unit head, will determine the list of candidates they want to interview. To do this, the department changes the status of those applicants in the Online Employment System to "Request for an Interview". The Office for Equity, Diversity and Global Outreach will review the search and follow-up if there are any questions.~~

Conduct interviews and determine the best qualified applicant. For non-teaching positions, see the packet of information on compliance with the veteran's preference law. Please note that the Provost and Vice President for Academic Affairs should be included in the interview schedule for those interviewed for academic department chair positions and, when possible, those interviewed for faculty positions.

- 1.6 Complete the [Interview Report](#) forms ~~and Recruitment Employment Checklist~~ noting reasons for selection or non-selection of each applicant based on the minimum and preferred qualifications.

- 1.7 Complete the [Request to Offer a Position](#) form in its entirety, and route for required signatures with the following attachments:

• ~~Complete application files for all interviewed applicants or for all applicants included in the final pool (in cases where only one applicant is interviewed on campus). Be sure to include the following:~~

• Interview Report [Forms](#)

• A list of the questions used in the formal interview, ~~the Recruitment/Employment Checklists,~~

• ~~A completed and signed Criminal Record Disclosure form. Faxed copies are acceptable. While Criminal Record Disclosure form is required only for the individual hired, the department may want to ask all those interviewed for the position to submit this form in case the first choice applicant does not accept an offer.~~

• ~~The list of applicants with updated dispositions printed from Requisition Activity in Recruit Workforce.~~

• For faculty and lecturer appointments, a draft of the proposed letter of offer based on the format provided by the Provost and Vice President for Academic Affairs

• A completed [Degree Verification form](#) for the applicant to whom the department wishes to make the offer if the required degree has been completed. If the applicant's file includes a complete transcript, the Degree Verification ~~form~~ is not needed

- 1.8 Upon approval, contact the person selected and send two originals of the letter of offer (one to be signed and returned indicating acceptance). If the person rejects the offer, return to 1.7 above and follow the same

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procedure for the second ranking applicant. To save time, *as many as* three (3) finalists may be rank ordered and a Request to Offer form for each circulated altogether.

~~Note: When an individual accepts the offer, the Criminal Record Disclosure form should be sent to the appropriate dean's office to be filed in the individual's official personnel file. The Criminal Record Disclosure form for any other applicant who completes it should remain with that applicant's file and be submitted to the Equity and Diversity Office as part of the transaction file.~~

1.9 Once the ~~position offer~~ has been accepted, promptly notify all remaining applicants of the action.

1.10 As soon as possible after the offer is accepted, complete and submit the employing department's portion of the transaction file to the Office for Equity, and Diversity and Global Outreach Office. If a position is not filled and a new or extended search is planned, contact ~~the~~ The Office for Equity, and Diversity and Global Outreach Office to determine how to handle the new recruitment.

**NOTE: No Hiring form 100/102: Job Data or Change Form; 101 will be processed until transaction file has been completed and submitted to the Office for Equity, and Diversity and Global Outreach Office.**

A complete transaction file for the Online Employment System will include the following:

ITEM		RESPONSIBLE OFFICE
<del>1.10.1</del>	<del>Request to Recruit form</del>	<del>Equity and Diversity Office</del>
<del>1.10.2</del>	<del>Memo appointing the search committee</del>	<del>Equity and Diversity Office</del>
<del>1.10.3</del>	<del>Applicant flow summary</del>	<del>Equity and Diversity Office</del>
1.10.14	Copies of all recruitment efforts including: -Actual advertisement(s) used to recruit with publication names and dates -Samples of position flyer(s) and/or letters with a list of those to whom such mailings were sent	Employing department
1.10.25	Any correspondence related to the recruitment and selection process	Employing department
1.10.36	Notation of telephone or face-to-face contacts	Employing department
1.10.47	<del>Applications and related</del> <u>Letters of reference, reference check notes, and any other applicant</u> materials received for the position	Employing department
<del>1.10.8</del>	<del>Complete Recruitment/Employment Checklists for all applicants</del>	<del>Employing department</del>
1.10.59	A list of the questions used for the phone and/or personal interview	Employing department
1.10.640	Completed Interview Reports for those interviewed by phone or in person	Employing department

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<del>1.10.11</del>	<del>A copy of the interview questions used by the search committee</del>	<del>Employing department</del>
1.10. <del>7</del> <del>42</del>	A completely signed copy of Request to Offer form	Employing department

- 1.11 Complete the Hiring Form 100/102: Job Data, attach the following items, and circulate it for signatures:

- A fully signed copy of the Request to Offer form
- For faculty, lecturers and graduate teaching/research fellows, a copy of the letter of offer or appointment agreement.
- A completed Degree Verification form if the applicant's file did not include a complete transcript because the degree was not completed at the time the Request to Offer was approved.

- 1.12 To change the status for a current employee, complete the Change Form: 101 instead of the Hiring Form: 100/102. The Change Form: 101 should be accompanied by either a fully signed Request to Offer form or a memo documenting the means by which the change has been authorized. The Change Form: 101 is routed for signatures in the same way as the Hiring Form: 100/102.

Transaction files will be reviewed for completeness in the Office for Equity, ~~and~~ Diversity and Global Outreach Office and stored for three years.

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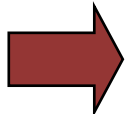
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Attachment 8

## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

### SECTION: **712.1: Legal Representation**

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

*Any attorney representing the University must have an appointment as a Special Assistant Attorney General. All requests for legal representation shall be approved and coordinated through the NDSU General Counsel's Office. There must be a contract for legal representation approved by the General Counsel. Any payment for legal fees must be approved first by the General Counsel.*

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

*General Counsel*

*[Rick.johnson@ndsu.edu](mailto:Rick.johnson@ndsu.edu)*

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

*This portion will be complete by Kim Matzke-Ternes*

Policy Presented to PCC 03/11/2010

Committee:

University

Senate:

Staff Senate:

President's

Council:

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu)*

### SECTION 712.1: Legal Representation

**SOURCE: SBHE Policy Manual Sections: 607.1 and 840  
N.D.C.C. §54-12-08**

Any attorney representing the University must have an appointment as a Special Assistant Attorney General. All requests for legal representation shall be approved and coordinated through the NDSU General Counsel's Office. There must be a contract for legal representation approved by the General Counsel. Any payment for legal fees must be approved first by the General Counsel.

**HISTORY:**

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## Faculty Senate Constitution

### Article I: Preamble

#### Section 1.

The administration and faculty of North Dakota State University share responsibility for governance and effective management of the academic affairs of the University. In addition, shared governance mandates involving stakeholders in all aspects of the University mission. As such, faculty, staff, and students exercise this responsibility in their respective domains. To this end, the faculty accepts the responsibility of crafting, reviewing, and approving policies concerning the Academic and Extension missions of NDSU.

### Article II: Responsibilities

#### Section 1.

The Faculty Senate is the University's legislative body responsible for the review and approval of policy with respect to the following matters:

- a. Academic freedom, including rights and responsibilities
- b. All curricular matters, including establishment, dissolution, and substantial changes to degree programs
- c. Research and scholarship
- d. Admissions standards and prerequisites
- e. Requirements for regular certificates and degrees
- f. Regulations regarding attendance, examinations, grading, scholastic standing, and honors
- g. Teaching quality
- h. Professional standards and criteria for positions accorded academic rank
- i. Policies and procedures for promotion, tenure, and evaluation
- j. And other academic matters

#### Section 2.

The Faculty Senate will also review, recommend, and participate in the formulation and exercise of policy with regard to:

- a. Institutional priorities
- b. The allocation of institutional resources
- c. Academic organization
- d. Administrative procedures and organizational structure
- e. Appointment and promotion of administrators
- f. Issues related to intellectual property
- g. Honorary degrees
- h. Other matters of interest to the faculty

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## Article III: Membership

### Section 1.

Membership in the Faculty Senate consists of elected representatives from non-administrative, half-time or greater appointments from the following groups: faculty who hold the academic rank of professor, associate professor, assistant professor, professor of practice, senior lecturer, instructor, or research faculty.

### Section 2.

The following, whether full or part time or interim, are considered administrative positions: Chair/Head/or equivalent, Assistant/Associate Dean, Dean, Vice President, Assistant/Associate Vice President, Provost, and President.

## Article IV: Amendments

### Section 1.

Amendments to the Constitution may be proposed by the Senate or by a petition signed by twenty-five percent of the faculty. The Secretary of the Senate will distribute the proposed amendment to all faculty no later than nine days after the amendment is submitted for approval.

### Section 2.

No later than thirty days nor earlier than seven days after the amendment is distributed, the faculty shall vote by secure electronic ballot on the proposed changes. If approved by two-thirds of the ballots cast, the change will be submitted to the University President for concurrence and then forwarded to the North Dakota State Board of Higher Education for consideration.

### Section 3.

When approved by the North Dakota State Board of Higher Education, the changes shall become effective immediately.

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## **Proposed Ballot**

\_\_\_\_\_ Yes, I am voting to approve the Constitutional changes.

A yes vote indicates I am in support of creating a Faculty Senate, to begin Aug. 1, 2010, serving parallel to the Staff and Student Senates and replacing the present University Senate.

\_\_\_\_\_ No, I am voting in opposition to the Constitutional changes.

A no vote indicates I oppose the creation of a Faculty Senate, to begin Aug.1, 2010, serving parallel to the Staff and Student Senates and replacing the present University Senate.

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## Proposal to Create a Faculty Senate

### Rationale:

1. *Symmetry*- At NDSU, students and staff have separate senates in addition to their representation on the University Senate. Students and staff have the opportunity to bring proposals, discuss, and vote on issues that are directly related to their own unique concerns.
2. *Equal Representation*- The current structure of the University Senate does not offer faculty these same rights. Faculty make up 30% of the University Senate, which means that is possible for an issue that is brought to vote that is solely a “faculty issue” could be voted down even if 100% of the faculty support the issue. The creation of a Faculty Senate would allow faculty the opportunity to discuss their concerns, raise proposals, and vote on policies in a forum of peers. Since the University Senate is also comprised of Deans, Vice Presidents, the Provost and the President (who are ex-officio members), faculty are placed in a situation where they must raise potential concerns in the presence of administrators who have influence over their promotion and tenure decisions. This creates an environment where faculty members may not feel free to express their honest opinions.
3. *Standard of Peer Institutions*- All but one NDSU’s peer institutions has Faculty Senate. Only one uses a University Senate model of governance.
4. *Timing* - With a new president this may represent an opportune time to explore alternative forms of faculty governance.

### Substantive Changes from Present System\*

1. *Name Change* - The University Senate would become the Faculty Senate.
2. *Definition of Faculty* - Faculty would be defined as those individuals at NDSU holding a full-time, nonadministrative position in resident instruction, research, or extension, with a rank of instructor or higher.
3. *Membership* - Members would be nonadministrative faculty. There would be no permanent members, administrators, students, or staff.
4. *Elected Officers* - Elected officers of the Faculty Senate would be the Presiding Officer, Presiding Officer-Elect, and Secretary.
5. *Executive Council* - The current Executive Committee would be replaced by an Executive Council composed of representative membership from administration and the three senates. Minimally, the Presiding Officer and Presiding Officer-Elect of the Faculty Senate would represent the faculty on the Council.
6. *Committees* - Two categories of committees would be established: 1) those attending to faculty issues and reporting directly to the Faculty Senate, and 2) those addressing issues affecting all University constituents and reporting to the Executive Council.

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Attachment 11

## University Senate Resolution

### **A Resolution Supporting the Prioritization of Academic Facilities on North Dakota State University's Capital Improvement List**

**Whereas**, the North Dakota State University Student Senate passed SR-03-10 supporting the construction of a new main library, and

**Whereas**, the North Dakota State University Student Senate passed SR-16-10 supporting the expansion and improvement of academic classroom facilities and student science labs, be it

**Resolved**, That the University Senate of North Dakota State University supports the construction of a new main library, and be it further

**Resolved**, That the University Senate of North Dakota State University supports the expansion and improvement of academic classroom facilities at North Dakota State University, and be it further

**Resolved**, That the University Senate of North Dakota State University supports the expansion and improvement of student science labs at North Dakota State University.

Respectfully Submitted,

Amber Altstadt  
Student Body President

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The University Senate met at 3:30 p.m. in the Plains Room of the Memorial Union with Dr. M. Meister presiding and the following senators present: S. Affolter, A. Altstadt, D. Andersen, E. Berg, P. Biga, C. Bilen-Green, W. Bowlin, L. Brodeur, K. Bromley, A. Brown, T. Carlson, C. Ciuperca, V. Clark Johnson, J. Council, L. del Rio Mendoza, C. Friesen, K. Froelich, S. Gajan, S. Gajan, M. Gehrtz, K. Gordon, G. Gramig, A. Grazul-Bilska, P. Hansen, D. Hauck, M. Hoag, A. Jackson, S. Jayaraman, B. Johnson, R. Johnson, M. Kelsch, J. Kong, M. Lee, G. Liguori, F. Manthey, S. May, K. McCaul, S. Meinhardt, M. Nagel, P. Nelson, R. Nielsen, V. Olson, C. Peterson, C. Popovici, S. Pryor, M. Reid, T. Riley, A. Rupiper Taggart, S. Sather-Wagstaff, R.C. Schnell, G. Smith, K. Vonnahme, A. Werremeyer, D. Wittrock, K. Wolfe, Q. Zhang, and M. Ziejewski

Substitutions: J. Bitzan for B. Bahrami, J. Hektner for S. Brotherson, L. Overstreet for F. Casey, K. Black for N. Cilz, J. Venette for K. Grafton, A. Akyuz for M. Khan, K. Story for J. Okstad, A. Tangpong for C. Ulven, L. Helstern for C. Weber, and W. Roden for A. Werremeyer

## **Commemoration**

University Senate President Meister asked the Senate membership to observe a moment of silence to remember and reflect on the life and contributions of Department of English Lecturer David Martinson, who lost his battle with cancer on May 9<sup>th</sup>.

## **Approval of Minutes**

MOTION (Sather-Wagstaff/Council): to approve the minutes of the April 12, 2010, meeting as posted.  
MOTION CARRIED WITH UNANIMOUS CONSENT.

## **Consent Agenda**

MOTION (Sather-Wagstaff/Council): to approve the Academic Affairs report ([Attachment 1](#)) as posted.  
MOTION CARRIED WITH UNANIMOUS CONSENT.

## **General Announcements**

- A. Interim President Hanson was unable to attend, but Meister expressed his gratitude for Hanson's contributions and support during a difficult time of transition at NDSU. He also thanked A. Rupiper Taggart and K. Wold-McCormick for their assistance throughout the year.
  - B. *Provost/VPAA* – Provost Schnell provided the following report:
    - Acknowledged President Hanson for his responsiveness to the state on NDSU's budget situation;
    - A legislative committee focused on the audit and budget is determining how business should be conducted, which has been acknowledged by NDSU;
    - A graduation article in *The Forum* did not detail correct graduation rates. NDSU has a six-year graduation rate of approximately 50-55%. While performance indicators will be studied, persistence and graduation largely is controlled by students;
    - Summer hours (7:30 a.m –4 p.m.) begin on Monday, May 17;
    - Course prefixes are being discussed across the state, with the STEM prefix issue still unresolved;
    - The SBHE approved a new Ph.D. program in Psychological Clinical Science.
- *Meister thanks Provost Schnell for his dedication and support.*

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C. *President of University Senate* – Meister reported the following:

- University Senate and Executive Committee meeting dates for 2010-2011 have been set and will be available online ([Attachment 2](#));
- Jake Glower has been elected to serve as a one-year replacement on CCF;
- Meister is going to serve a three-year term on CCF beginning in 2010;
- Paul Gleye, Department of Architecture and Landscape Architecture, was elected to the University Senate Standing Committee on Faculty Rights.

D. *President Elect of University Senate* –

Rupiper Taggart announced that an online vote for approval of a faculty senate will be open from May 13-20. Approval by 2/3 of faculty who vote is required for constitution changes to occur.

E. *Staff Senate President* – V. Olson shared the following updates:

- A NDUS Staff Senate is being considered, and if approved, would earn a seat at the SBHE.
- Introduced Kristy Mickelson, assistant director of TRIO/Upward Bound director, as the 2010-2011 Staff Senate president. Mickelson greeted the Senate.

- *Meister thanked Olson for his commitment to the university and its staff.*

F. *Student Body President* -

A. Altstadt introduced Kevin Black, 2010-2011 Student Body President who provided an update on the platform of the new executive team. Sean Affolter will serve as Student Body vice president.

Black indicated that academics is one of the top pillars of their platform. He also reported that Student Government has been active in the presidential search process. Students who have participated in the process have been very engaged in the process.

- *Meister expressed his appreciation to Altstadt for her outstanding service and ability to balance academics and student senate obligation.*

## **Committee Reports**

A. *General Education* –

L. Peterson, chair, reported that a General Education Committee meeting to discuss essential learning outcomes was held in Wahpeton on April 22<sup>nd</sup>. An item of potential importance to NDSU is statewide learning outcomes.

While there was general support for this concept by both NDUS and tribal institutions, no decisions were reached in terms of which items should be the core of general education. Assessment also was central to discussion. The state has been asked by the Association of American Colleges and Universities to be a LEAP (Liberal Education and America's Promise) state. The state group has adopted a working copy of a constitution for a statewide general education council, which will come back to each campus for ratification.

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## B. *Council of College Faculties* –

J. Glower announced that he has been elected to serve as CCF president for the coming year, and that the council will be looking at the issues of the tuition cap, tenure, and intellectual property.

## C. *University Senate Special Committee on Academic Dishonesty* –

J. Council reported that the ad hoc committee has made several changes to Policy 335, which includes procedures for tracking cases of academic dishonesty (see New Business).

## D. *Policy Coordinating Committee* –

A. Rupiper Taggart presented the following policies for discussion and vote:

### 1. **Policy 190 - Employee Responsibility and Activities: Intellectual Property** ([Attachment 3](#))

MOTION (Sather-Wagstaff/Pryor): to approve policy changes as presented.

MOTION TO AMEND (Altstadt/Nagel): by replacing phrase references to “faculty, staff, students and associates” throughout the policy with “faculty and staff.”

Glower cited North Dakota Century Code 34-02-11, which grants NDSU the authority to claim ownership for inventions made by employees. SBHE policy 611.2 does not use the phrase 'faculty, staff, students, and associates.' Whether this policy was meant to apply only to employees, as per North Dakota Century Code, or to everyone appears to be open to interpretation. Glower stated that the last section of NDSU Policy 190, which states that students own their own work provided it involved routine use of NDSU equipment and facilities, contradicts the first section which claims ownership of inventions made with any use of NDSU equipment and facilities. Deleting the phrase 'students and associates' removes this contradiction.

Zetocha indicated that students often are involved in research with faculty and use university resources. The Research and Consulting Committee (RCC) expects the SBHE to address how students are defined. Discussion ensued on making sure students understand upfront their role and responsibilities related to research. Kettner indicated that students cannot be removed from policy because it would be contrary to SBHE policy 611.2. Students may receive patent support and assistance if they invent something using university resources. Until the SBHE policy is modified, NDSU is required to comply with current state policy. Pryor lobbied against amendment because students aren't represented on the committee and because the committee has considered and discussed these issues for a number of years already. Current University Senate Bylaws do not call for student representatives on this particular committee.

Sather-Wagstaff/Biga called the question.

MOTION TO AMEND FAILED WITH A VOTE OF 16-46-1. The following senators or their substitutes voted aye: Affolter, Altstadt, Andersen, Bilen-Green, Bitzan, Brodeur, Brown, Cilz, del Rio Mendoza, Froelich, Jayaraman, Kong, Nagel, Okstad, Riley, Ziejewski. The following senators or their substitutes voted no: Berg, Biga, Bowlin, Bromley, Brotherson, Carlson, Casey, Ciuperca, Clark Johnson, Council, Friesen, Gajan, Gehrtz, Gordon, Grafton, Gramig, Grazul-Bilska, Hansen,

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Hauck, Hoag, B. Johnson, R. Johnson, Kelsch, Lee, Liguori, Manthey, May, McCaul, Meinhardt, Meister, Nelson, Nielsen, Olson, Peterson, Popovici, Pryor, Reid, Rupiper Taggart, Sather-Wagstaff, Schnell, Smith, Ulven, Vonnahme, Werremeyer, Wittrock, and Wolfe. Senator Khan abstained.

MOTION TO AMEND (Jackson/Nagel): by replacing section 4.E.1 with the following language, "If NDSU elects not to pursue a patent or six months elapses from the time a complete invention disclosure is filed, ownership reverts to the inventor."

Zetocha explained that invention disclosures often are received when research is very premature. When research is supported with federal funding and the university elects not to pursue an invention, federal grant stipulations require that title to inventions revert to the federal government not the inventor, thus the inventor would need to make a request to the federal government to get title and further pursue an invention. It takes approximately six months to evaluate as long as NDSU gets full and complete disclosure. If funding is reverted back to inventors, the intent is that they should not use university resources to further develop that research. Under NDUS policy, the university can establish guidelines and policies for handling research as long as it is not inconsistent with board or institutional policy. This policy has been reviewed by legal counsel to ensure consistency and compliance with states laws and policies.

Andersen called the question.

MOTION TO AMEND CARRIED WITH A VOTE OF 28-26-6. The following senators or their substitutes voted aye: Affolter, Andersen, Biga, Bilen-Green, Brodeur, Brown, Cilz, Council, del Rio Mendoza, Friesen, Froelich, Gajan, Grafton, Gramig, Jayaraman, Khan, Kong, Lee, Liguori, Manthey, Meinhardt, Nagel, Okstad, Riley, Smith, Ulven, Werremeyer, and Ziejewski. The following senators or their substitutes voted no: Berg, Bitzan, Bowlin, Bromley, Brotherson, Carlson, Casey, Gehrtz, Hansen, Hauck, Hoag, B. Johnson, R. Johnson, Kelsch, May, Meister, Nelson, Nielsen, Olson, Peterson, Pryor, Rupiper Taggart, Schnell, Vonnahme, Wittrock, and Wolfe. The following senators or their substitutes abstained: Ciuperca, Gordon, Grazul-Bilska, McCaul, Popovici, and Sather-Wagstaff.

Sather-Wagstaff called question on policy as amended.

MOTION TO APPROVE POLICY 190 AS AMENDED CARRIED WITH A VOTE OF 48-10-2.

The following senators or their substitutes voted aye: Affolter, Andersen, Berg, Biga, Bilen-Green, Bitzan, Bowlin, Bromley, Brotherson, Carlson, Casey, Cilz, Ciuperca, Council, del Rio Mendoza, Friesen, Gajan, Gehrtz, Gordon, Grafton, Gramig, Grazul-Bilska, Hansen, Hauck, Hoag, Jayaraman, R. Johnson, Khan, Kong, Lee, Manthey, May, Meinhardt, Nelson, Nielsen, Olson, Peterson, Popovici, Pryor, Riley, Rupiper Taggart, Sather-Wagstaff, Smith, Ulven, Vonnahme, Werremeyer, Wittrock, and Wolfe. The following senators or their substitutes voted no: Brodeur, Brown, Clark Johnson, B. Johnson, Kelsch, Meister, Nagel, Okstad, Schnell, and Ziejewski. Senators Froelich and Liguori abstained.

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## 2. Policy 700: Services and Facilities Usage ([Attachment 4](#))

MOTION (Olson/Andersen): to approve policy as presented.

Verification was sought and received that the Institutional Animal Care and Use Committee has reviewed the policy and its changes are reflected in the revised document. Sather-Wagstaff objected to section 5.1 as it is not policy language and objected to the notion of requiring bikes to be kept outside when there is no place to store them in the winter because they are buried in snow. McCaul suggested that our campus make efforts to become more 'bike-friendly.'

MOTION (Sather-Wagstaff/McCaul): to refer policy back to committee. MOTION CARRIED WITH UNANIMOUS CONSENT.

### Unfinished Business

- Meister reminded senate committee chairs to submit annual activity reports to Rupiper Taggart. They should include a brief summary as well as committee input related to library resources.

### New Business

#### A. *University Senate President-Elect Election* –

Gary Totten, Department of English, was nominated for Senate President-Elect for the coming year (Vitae - [Attachment 5](#))

No additional nominations were received from the floor.

MOTION (Sather-Wagstaff/Council): to cease nominations.

MOTION (Story/Affolter): to cast a unanimous ballot for Dr. Gary Totten.

MOTION CARRIED WITH UNANIMOUS CONSENT.

#### B. *Policy 335 - Code of Academic Responsibility and Conduct* ([Attachment 6](#)) –

Council presented policy revisions on behalf of the University Senate Special Committee on Academic Dishonesty. Rupiper Taggart offered the English Department definition on plagiarism for use in this policy. She also offered to help work on language in section 1.2.a2 referring to unintentional plagiarism. Provost Schnell agreed with policy revisions in general, but indicated that procedural clarifications are needed in the section referring to suspensions and expulsions. Additional comments and feedback may be sent directly to Council. Updated policy revisions will be presented in the fall.

#### C. *Academic Affairs Addendum* – ([Attachment 1](#))

On behalf of A. Brunt, K. Wold-McCormick presented an addendum report of the Academic Affairs Committee. A number of courses and a new program were approved by Academic Affairs after the final Senate Executive Committee meeting was held. A question was raised on whether the Department of Computer Science was aware of the new program proposal in

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New Media and Web Design. It was confirmed that department faculty are aware and have been involved in discussions related to the program and specific courses.

MOTION (McCaul/Sather-Wagstaff): to approve the addendum as presented.

MOTION CARRIED WITH UNANIMOUS CONSENT.

## D. *General Education Addendum* – ([Attachment 7](#))

- L. Peterson presented an addendum report of the General Education Committee, which included two courses.

MOTION (Nielsen/Sather-Wagstaff): to approve the addendum as presented.

MOTION CARRIED WITH UNANIMOUS CONSENT.

## **Passing of the Gavel**

M. Meister thanked the following individuals and provided remarks:

- Members of the University Senate Executive Committee for their assistance in preparing agendas, clarifying policies, and vetting important issues. Their service is appreciated and is done with the best interest of NDSU at heart;
- Dogan Comez for his council and support;
- Members of the Policy Coordinating Committee, particularly Gina Haugen and Kim Matze-Ternes, for attempting to keep Meister up to date on policies and revisions. He added that the ad hoc Senate committee exploring policy coordination continues to look at how the Senate can be better kept up to date on policies and will work to clarify the role of that committee;
- Faculty who served on faculty grievance hearing;
- Tom Stone Carlson for chairing the committee on the formation of a faculty senate;
- Jim Council for chairing the special committee on academic dishonesty.

Meister also expressed his perspective on and hopes for the future of the Senate. As NDSU and Senate proceeds through possible transition, his hope is that each senate will formulate the conscience of this university and not deviate from our land-grant mission. Senates must act, challenge and deviate as appropriate. He implored senators to never forget that it is our mandate that students are paramount and that our work is about people. Without the commitment and collaboration of everyone at NDSU, themes of students and programs can be forgotten. He closed by thanking the Senate for an interesting and good year.

Provost Schnell presented Meister with a plaque and thanked him for his service to University during his term of President.

The gavel was passed to Rupiper Taggart who commented that nothing characterizes her work more than collaboration and service. She is interested in getting to know people who will be serving next year, and assures those in student and staff senates that she will work closely with them as they develop new bylaws if a faculty senate is approved.

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## **Adjournment**

University Senate President Rupiper Taggart adjourned the meeting at 4:45.

Submitted,

K. Wold-McCormick, Ph.D.  
Secretary

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Attachment 1

## Academic Affairs Committee Report

### Approved Curricular Recommendations

New Degree			
Bachelor of Science in Architecture, B.S.Arch			
Program Title Change			
From: Environmental Design (split current program into two separate majors)		To: <i>Environmental Design Architecture</i>	
New Courses			
Subject	No.	Title	Crs.
ART	131	Foundations Drawing	3
COMM	316	Conflict Communication	3
COMM	386	Organizational Interviewing	3
EMGT	430	Socio-Behavioral Foundations of Emergency Management	3
HIST	440/640	The Ottoman Empire	3
HIST	465/665	Germany Since 1750	3
NURS	724	Curriculum Design in Nursing Education	3
NURS	725	Strategies for Teaching and Learning in Nursing Education	3
NURS	726	Evaluation and Assessment in Nursing Education	3
NURS	728P	Nurse Educator Practicum I	2
NURS	729P	Nurse Educator Practicum II	3
NURS	735	Family Primary Care III: Assessment and Management	2
NURS	736P	Practicum V: FNP Role Integration	4-8
PLSC	307	History and Evolution of Wine in America	1
Course Deletion			
ADHM	380	Facility Operations and Analysis	3
ADHM	480	Facility Design and Management	3
ADHM	482	Facility Management Capstone Experience	3
COMM	370	Principles of Public Relations	3
COMM	642	Information Technologies and Mass Media	3
HNES	129	Aerobic Dance	1
HNES	140	Strength Training	1
HNES	180	Athletic Trainers' Profession	2
HNES	181	Practical Applications of Taping, Protective Devices, and Equipment	3
HNES	220	Lifeguard Training	2
HNES	226	Introduction to Therapeutic Recreation	3
HNES	285	Clinical Experience II	1
HNES	286	Injury Recognition Laboratory	1
HNES	302	Water Safety Instruction	2
HNES	381	Injury Recognition and Evaluation of the Upper Extremity	3
HNES	382	Injury Recognition and Evaluation of the Head, Neck and Spine	3
HNES	383	Psychosocial Aspect of the Injured Athlete	3
HNES	386	Clinical Experience III	1
HNES	387	Clinical Experience IV	1
HNES	428	Sport Management Internship	12
HNES	435/635	Nutrition, Disease, and Health Professional	2
HNES	441	Health and Safety Services	3
HNES	484	Therapeutic Exercise	3
HNES	485	Therapeutic Modalities	3
HNES	486	Injury Recognition and Evaluation of General Medical Conditions	3
THEA	240	Production Stage Management	3

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Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
ARCH	461	Urban Design	2	ARCH	461	Urban Design	3
COMM	375	Principles and Practices of Advertising	3	COMM	375	<i>Principles and Practices of Advertising and Public Relations</i>	3
NURS	601	Theoretical Perspectives of the Discipline	2	NURS	701	Theoretical Perspectives of the Discipline	3
NURS	602	Ethics of Health Care and Nursing	2	NURS	702	<i>Ethics and Health Policy in Nursing</i>	2
NURS	606	Health Care Delivery Systems, Financing and Informatics	2	NURS	706	Health Care Delivery Systems, Financing and Informatics	3
NURS	735P	Practicum IV: FNP Role Integration	8	NURS	735P	Practicum IV: FNP Role Integration	4-8
PHYS	489	Physics Projects	1-4	PHYS	489	Physics Projects	3
PLSC	457	Turfgrass Science, Ecology and Management	3	PLSC	457	<i>Horticulture and Turfgrass Systems</i>	3
Change in Catalogue/Course Description – for information only							
THEA	180	Dramatic Literature and Style					3
THEA	228	Development of Musical Theatre					3
THEA	301	Musical Theatre Troupe					1
THEA	370	Technical Theatre Production					3
Change in Prerequisites/Corequisites – for information only							
ADHM	161	Interior Graphics I: Residential		Add corequisite: ADHM 150, ADHM 151 or departmental approval Remove prerequisite: ADHM 150, ADHM 151			
ADHM	401	Convention and Meeting Planning		Add prerequisite: Junior Standing, ADHM 140 or ADHM 141			
ENT	770	Insect Ecology		Add prerequisite: For undergraduates taking ENT 470, ENT 350 or instructor's permission			
HNES	225	Camp Management and Outdoor Recreation Skills		Remove prerequisite: Sports and Recreation Studies or Physical Education-Community Sports majors only			
HNES	326	Recreation Programming		Add requisite: Sports and Recreation Leadership majors only			
HNES	354	Introduction to Medical Nutrition Therapy		Add requisite: Dietetics professional standing			
HNES	426	Sport and Recreation Administration		Add requisite: Junior standing and Sports and Recreation Leadership majors only			
HNES	427	Leisure and Society		Add requisite: Junior standing			
ME	471/ 671	Stress Analysis		Add prerequisite: ME 442 Remove prerequisite: ME 423 but keep ME 331			
ME	474/ 674	Mechanics of Composite Materials		Remove corequisite: ME 423			
ME	477/ 677	ME Finite Element Analysis		Add prerequisite: ME 442 Remove prerequisite: ME 423			
ME	726	Fracture Mechanics		Add prerequisite: ME 442 Remove prerequisite: ME 423			
PHYS	350	Modern Physics		Add prerequisite: PHYS 252, MATH 265			

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THEA	370	Technical Theatre Production	Add requisite: Enrollment by departmental assignment only Remove prerequisite: THEA 270, THEA 271
THEA	461	Period Styles for the Actor	Add prerequisite: THEA 261, THEA 266 Add requisite: BFA Standing
THEA	462	Modern Nonrealistic Styles for the Actor	Add prerequisite: THEA 261, THEA 266 Add requisite: BFA Standing

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## Academic Affairs Committee Report Addendum

### Approved Curricular Recommendations

New Program							
Bachelor of Science in New Media and Web Design							
New Option							
Musical Theatre Option within BFA Theatre Arts							
New Courses							
Subject	No.	Title					Crs.
COMM	363	Advanced Web Design					3
COMM	465	Convergence Media					3
COMM	477	Research for Strategic Communication					3
COMM	484	Organizational Advocacy and Issue Management					3
COMM	486	Principles of Risk Communication					3
COMM	488	Social Influence and Organizational Change					3
COMM	701	Advanced Research Methods in Communication I					3
COMM	704	Qualitative Research Methods in Communication					3
HIST	430	Prairie Earth, Prairie Homes: A Field School					3
THEA	363	Dance Studio II					2
UNIV	791	STEM Curriculum and Instruction					3
Course Deletions							
COMM	484	Global Organizational Communication					3
HNES	120	Swimming					1
HNES	136	Hockey					1
HNES	240	Emergency Response					3
HNES	280	Sport Safety Training					3
HNES	281	Injury Recognition and Evaluation of the Lower Extremity					3
HNES	282	Athletic Training Terminology and Equipment					2
HNES	284	Clinical Experience I					1
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
ARCH	721	Non-Western Architectural Traditions	2	ARCH	721	Non-Western Architectural Tradition	3
ARCH	722	Urbanism	2	ARCH	722	Urbanism	3
ARCH	723	Historic Preservation	2	ARCH	723	Historic Preservation	3
ARCH	724	Architectural Technology	2	ARCH	724	Architectural Technology	3
ARCH	725	Architecture of the Recent Past	2	ARCH	725	Architecture of the Recent Past	3
ARCH	726	Current Architectural Theory	2	ARCH	726	Current Architectural Theory	3
ARCH	727	Vernacular Architectural Traditions	2	ARCH	727	Vernacular Architectural Traditions	3
ARCH	728	Socio-Cultural Issues	2	ARCH	728	Socio-Cultural Issues	3
COMM	442	Information Technologies and Mass Media	3	COMM	442	Digital Media and Society	3

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COMM	701	Action Research in Communication	3	COMM	703	<i>Advanced Research Methods in Communication II</i>	3
MNT	732	Electronic Properties of Materials	3	MNT	732	<i>Physical Properties of Materials</i>	3
PHRM	352L	Introductory Pharmacy Practice Experience (IPPE) I	3	PHRM	355	<i>Introductory Pharmacy Practice Experience I: Introduction to Institutional Pharmacy Practice</i>	3
PHRM	451L	Introductory Pharmacy Practice Experience II	4	PHRM	455	<i>Introductory Pharmacy Practice Experience I: Introduction to Community Based Patient Care</i>	3
<b>Change in Catalogue/Course Description – for information only</b>							
THEA	274	Introduction to Stage Design					3
<b>Change in Prerequisites/Corequisites – for information only</b>							
HNES	150	Foundations of Physical Education		Remove corequisite HNES 110			
HNES	160	Foundations of Health Professions		Remove corequisite HNES 110			

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Attachment 2

## University Senate Meeting Dates 2010-2011

<b>University Senate Executive Committee Meetings</b> <b><i>(Mondays, 3:30 p.m. - Mandan Room, Memorial Union)</i></b>	<b>University Senate Meetings</b> <b><i>(Mondays, 3:30 p.m. - Plains Room, Memorial Union)</i></b>
August 30, 2010	September 13, 2010
September 27, 2010	October 11, 2010
October 25, 2010	November 8, 2010
November 29, 2010	December 13, 2010
January 10, 2011	January 24, 2011
January 31, 2011	February 14, 2011
March 7, 2011	March 21, 2011
March 28, 2011	April 11, 2011
April 25, 2011	May 9, 2011

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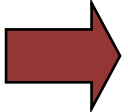
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Attachment 3

Policy 190 Version 1 ~~March 5, 2010~~ [031210](#)

## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

### SECTION: *190 Employee Responsibility and Activities: Intellectual Property*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
  - *The Research and Consulting Committee (RCC) was charged by the University Senate Executive Committee with reviewing Policy 190. The RCC has been working on review since December 2007. At its February 25, 2010 meeting, the RCC voted to approve the attached modifications to Policy 190 and to forward to the PCC.*
  - *The proposed modifications, while still in line with the Source for the policy (SBHE Policy Manual, Section 611.2), included the following:*
    1. *under definitions, terms were added that had previously been in other areas of 190.*
    2. *Language was rearranged to make the policy easier to read and understand, and some edits were done to clarify language and eliminate redundancies.*
    3. *Plant Variety Protection (PVP) was retained as a subpart to Section 4, NDSU Patent Review Procedures, rather than being its own section. More clarifying language and edits were done to the PVP language to update the policy and remove internal Experiment Station procedure language.*
    4. *Subpart b. of Section 8, Student Work, was expanded to provide greater detail on student inventions, more in line with language under Section 8.a. on copyrights of student work.*

*The RCC understands that the SBHE is forming a committee to review SBHE policy 611.2. Once that review is complete, the RCC anticipates it will again review 190 in light of any proposed changes to 611.2.*

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

- *Research and Consulting Committee, March 5, 2010*
- *Valrey V. Kettner, RCC Committee Chair; [val.kettner@ndsu.edu](mailto:val.kettner@ndsu.edu)*
- 

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

*This portion will be complete by Kim Matzke-Ternes*

Policy

Committee: [03/11/10 – presented](#)

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University [03/2010 routed for input](#)

Senate:

Staff Senate: [03/2010 routed for input](#)

President's [03/2010 routed for input](#)

Council:

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu)*

*The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy.*

*If you have suggestions on formatting, please route them to [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu).*

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

*Thank you for your understanding!*

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Policy 190 Version 1 ~~March 5, 2010~~ 031210

## SECTION 190: EMPLOYEE RESPONSIBILITY AND ACTIVITIES: INTELLECTUAL PROPERTY

### SOURCE: SBHE Policy Manual, Section 611.2

#### 1. General Principles.

The primary purposes of this policy are to encourage and promote research and scholarship based on the traditional principles of the academic profession. These products may constitute Intellectual Property that could be of financial benefit to the individuals involved and the Institution. This policy establishes guidelines to support faculty, staff, and students, in identifying, protecting and administering Intellectual Property and defining the rights and responsibilities of all involved. This policy governs unless a policy on specific Intellectual Property provides a different rule.

#### 2. Definitions.

a. "Author(s)": Person who creates a Copyrightable Work.

b. "Copyrightable Work or Work": An original Work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, such as books, journals, software, computer programs, musical work, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works, etc. A Work may be the product of a single Author or a group of Authors who have collaborated on a project. A Work is created by an Author.

c. "Creator": Either an Inventor(s) in the context of an Invention, or an Author(s) in the context of a Copyrightable Work.

d. "Institution": The individual colleges and universities and the North Dakota University System.

e. "Inventor(s)": Person(s) who creates an Invention. The term "Inventor(s)" includes "Breeder(s)" or "Plant Breeder(s)" as defined by the PVPA, 7 U.S.C. § 2401(a)(2). [Spartan1] In regards to plant variety protection, a "Breeder" is the person(s) who directs the final breeding creating a variety and/or the person(s) who discovers and develops the variety. 7 U.S.C. § 2401(a)(2). [Spartan2] Like patent law, persons whose work is directed by the Inventor are not considered the Breeder as they do not direct the breeding process. [Spartan3]

f. "Intellectual Property": Collectively, all forms of property created by the mind including, but not limited to, Inventions, Copyrightable Work, Trademarks, and Tangible Research Property.

g. "Invention": A process, method, discovery, device, plant, composition of matter, or other Invention that reasonably appears to qualify for protection under the United States patent law (including, but not limited to, utility patent, plant patent, design patent, certificate of Plant Variety Protection, etc.), whether or not actually patentable. An Invention may be the product of a single ~~inventor~~ Inventor or a group of ~~inventors~~ Inventors who have collaborated on a project.

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*(1) In regards to plant variety protection, "discover" means finding a natural plant which results in breeding a variety, or finding a new variety by performing experiments on results of cross-breeding and realizing that the resulting plant is different and closer in characteristics to a desired variety.*

*(2) In regards to plant variety protection, "develop" means to make additional selections for (1a) cross-breeding and/or (2b) developing pure lines. This may lead ~~up~~ to the variety for which protection is sought or may eliminate variance and convert a non-uniform variety to a uniform variety using the desired characteristics.*

[Spartan4]

h. "Mediated Courseware": Teaching aids created and/or deployed electronically. Mediated Courseware may incorporate text, graphics, video, and audio elements. Examples of such materials include, but are not limited to, hypertext modules, simulation software, web sites, and databases containing numbers, images, or text.

i. "Net Royalties": Net Royalties are defined as gross royalties and fees less the expenses incurred by the Institution in conducting the research and in procuring, protecting, preserving, maintaining, and licensing the patent and related property rights, and such other costs, taxes, or reimbursements as may be necessary or required by law. [Spartan5]

j. "Significant Use of University System or Institution Resources": Significant Use of Institution Resources means an ~~inventor's or~~ [Spartan6] Author's [rdj7] use of other employees' time or Institution facilities or equipment that appreciably increases the Institution's costs beyond those normally incurred in support of an employee in the Institution. Significant Use does not include the normal use of Institution employees, facilities, or equipment commonly available to faculty, staff, ~~students,~~ [Spartan8] or the public, such as libraries, Internet access, office space, office equipment, computers, and/or office supplies. Unless otherwise agreed, Significant Use also does not include the use of Institutional developmental leave time, so long as it does not appreciably increase the Institution's costs beyond those normally incurred in support of an employee of the Institution.

k. "Tangible Research Property": Tangible items produced in the course of research including, but not limited to, such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. Individual items of Tangible Research Property may be associated with one or more intangible properties, such as Inventions, Copyrightable Work, and Trademarks. An item of Tangible Research Property may be the product of a single Creator or a group of individuals who have collaborated on the project.

l. "Trademark" (including Service Mark): A distinctive word, design, or graphic symbol, or combination word and design, that distinguishes and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs, or the Institutional names, logos, or derivatives thereof.

m. "Work For Hire": Defined pursuant to Federal Copyright Law which includes a Work prepared by an employee within the scope of employment or a Work created pursuant to a written agreement identifying the Work as a Work for Hire.

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Policy 190 Version 1 ~~March 5, 2010~~ 0031210

## 3. General Patent Policy.

a. The North Dakota State Board of Higher Education encourages the faculty, staff, and others associated with the Institutions under its jurisdiction to seek patents on Inventions as a method of bringing recognition and remuneration to all parties involved. Each Institution shall establish a "patent review procedure" to define the Institution's processing of such Inventions or discoveries, consistent with Board policy. The Inventor(s) shall submit to the Institution the conception and/or reduction to practice of all potentially patentable discoveries prior to ~~making any~~ [Spartan9] public "enabling" disclosure.

b. A patentable discovery may arise from the development of a new and useful process, device or apparatus, article of manufacture, composition of matter (including chemical compounds, microorganisms, and the like), plant, or related improvement, or a new use for a known material or device. A public "enabling" disclosure is one which will enable others in the same or a related field to fully understand and practice the Invention. ~~The Institutional "patent review procedure" shall assure provision of guidelines to the Inventor(s) in defining what may constitute a public "enabling" disclosure.~~

[Spartan10]

c. The Institution shall have the right of first refusal to the title of all patentable discoveries ~~or other intellectual property~~ [rdj11] [Spartan12] derived with the use of facilities, gifts, grants, or contract funds through the university, subject to restrictions arising from the overriding obligations of the Institution pursuant to gifts, grants, contracts, or other agreements with outside organizations. The Inventor(s) shall provide all necessary declarations, assignments, or other documents as may be necessary in the course of Invention evaluation, patent prosecution, or protection of patent rights to assure that title in such Inventions shall be held by the Institution or other parties as may be appropriate under the circumstances.

d. The Institution shall have six months in which to assess the technical and commercial viability and patentability of the discovery in accordance with Institutional procedures. If the Institution judges the discovery not to be patentable, or decides not to pursue a patent, and, in the absence of over-riding obligations to outside sponsors of the discovery ~~and subject to NDSU procedures,~~ [Spartan13] all rights will revert to the Inventor. ~~In no instance, and regardless of ownership of the patent, may the Institution's name be used in connection with the marketing of the Invention.~~ [Spartan14]

(1) Subject to restrictions arising from overriding obligations of the Institution pursuant to gifts, grants, contracts, or other agreements with outside organizations, the Institution agrees, for and in consideration of the assignment of ~~ownership of Intellectual Property rights, including~~ [Spartan15] patent rights ~~or Inventions~~ [rdj16], to pay annually to the named Inventor(s), or to the Inventor(s)' heirs, successors, or assigns, a minimum of 30 percent of the ~~Net Royalties~~ [Spartan17] and fees received by the Institution.

(2) When there are two or more Inventors, each Inventor shall share equally in the Inventor's share of ~~Net Royalties~~ [Spartan18], unless all Inventors have agreed in writing to a different distribution of such share. The Institution will have final authority over any agreement purporting to share rights and/or ~~Net Royalties~~ [Spartan19] between participating parties.

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(3) In addition to the Inventor's(s') share, the Net Royalties [Spartan20] shall be disbursed by negotiated agreement with allocations to the originating department, the originating college/school, and the Institution. In the disposition of any Net Royalties [Spartan21] accruing to Institutional parties, other than the Inventor(s), support of research shall receive first consideration. The "patent review procedure" shall outline the negotiation and distribution mechanism at each Institution.

(4) The provisions of this section apply to plant variety protection unless inconsistent with Institution policy.

#### 4. NDSU Patent Review Procedures. [Spartan22]

a. NDSU shall adopt procedures implementing SBHE Policy 611.2 [Spartan23] that include:

(1) Procedures for required disclosure of Intellectual Property;

(2) Procedures for review, evaluation, and protection of Intellectual Property;

(3) Rules governing distribution of Net Royalties [Spartan24] or fees;

(4) A process for resolving disputes; and

(5) A process for informing faculty, staff, and students of the rights and responsibilities of Intellectual Property.

[Spartan25]

b. Upon employment, all regular employees must sign the NDSU Intellectual Property Agreement. Temporary employees may be required to sign as well based on supervisor discretion. A failure to have the Agreement signed in no way changes or lessens the applicability of this Policy. [Spartan26]

c. NDSU patent policy provides that discoveries or Inventions developed by faculty, staff, students, and associates using NDSU facilities, time, or materials shall be vested in NDSU. [Spartan27] Any Invention developed by faculty, students, employees and associates using NDSU facilities, time or materials, must be reported to the NDSU Technology Transfer Office (TTO). Adjunct faculty are subject to this policy if working on NDSU projects or using NDSU facilities unless expressly exempted by the Vice President for Research, Creative Activities & Technology Transfer (VPRCATT).

[Spartan28]

d. Faculty, staff, students, and associates with discoveries or Inventions will supply the appropriate materials and descriptions to the TTO [Spartan29] using the appropriate invention report or disclosure form(s) [Spartan30] for processing prior to any public disclosure to prevent loss of patent rights. [Spartan31] The TTO shall be responsible for determining the procedure to be followed in securing patent protection and the assignment of rights to be made. [Spartan32]

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*e. Ownership of such patent rights normally will be assigned to NDSU except in the following cases:*

*(1) When NDSU, in turn, elects not to pursue a patent, ownership reverts to the Inventor(s). As a condition of its release of the right to ownership, NDSU may elect to receive up to 30% of any net income (gross income less legal and licensing expenses) received by the Inventor(s) from the Invention or Work. ~~NDSU~~ NDSU Research Foundation (NDSU/RF) may negotiate an equity position in a start-up business. Inventor(s) shall not assign, transfer, or license such Intellectual Property <sup>[Spartan33]</sup> as a result of a consulting contract or other means so as to avoid payment to NDSU of its share under this section.*

*(2) When prior agreement between NDSU and an external agency assigned all rights to the agency, usually as a condition of a contract or grant.*

[Spartan34]

*~~f. The Vice President for Research, Creative Activities, & Technology Transfer~~ VPRCATT must approve the conditions of any contract or grant in which*

- (1) the disposition of patents is specified as being other than to NDSU and/or*
- (2) in which specific licensing agreements are specified.*

[Spartan35]

*g. NDSU will have a period of six (6) months from full and complete disclosure to evaluate the commercial viability and patentability of the discovery. This evaluation may be extended beyond six months if Invention. If further research or development activity is required to ensure patentability and/or market or commercial feasibility, this evaluation period may be extended for a period not to exceed six (6) months, upon mutual written agreement between the parties. If the discovery is patentable, NDSU will find a mechanism to obtain patents and arrange licenses.* [Spartan36]

*h. NDSU may assign or transfer ownership rights in Intellectual Property to independent foundations created for the purpose of obtaining or administering and marketing NDSU Intellectual Property, receiving gifts, or supporting or promoting NDSU or NDSU research.* [Spartan37] *For NDSU, the NDSU Research Foundation (NDSU/RF) is the independent foundation recipient of assignments of patents, copyrights, trademarked cultivars, and plant variety protection.*

[Spartan38] *NDSU/RF files for the appropriate Intellectual Property protection and is responsible for subsequent enforcement.* [Spartan39]

*i. Should a scientist believe s/he is an Inventor entitled to a portion of the Inventor share and has not been so identified as stated in section 4(d), the scientist must promptly notify her/his Department Chair/Head or Unit Director in writing of her/his claimed inventorship before the patent publishes. If disputes regarding inventorship or distribution of Net Royalties occur, resolution will be made by a panel consisting of the Academic Dean(s) involved, the Vice President for*

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*Research, Creative Activities, & Technology Transfer and the VPRCATT in consultation with the university attorney-General Counsel. Such agreements shall be on file in the TTO* [Spartan40]. [Spartan41]

*j. Net Royalties from Inventions* [Spartan42] *shall be shared by the Inventor(s), NDSU, and the NDSU/RF* [Spartan43]. *Inventor(s) shall receive a minimum of 30% of the Net Royalties* [Spartan44] *with the remainder being distributed as per agreement between the NDSU/RF and the NDSU contributing colleges(s), department(s), and/or other units to support endeavors to enhance NDSU research.* [Spartan45] [Spartan46]

*k. Plant Variety Protection.* [Spartan47]

*(1) Unless otherwise provided for below, the general provisions of NDSU Policy 190 shall apply to plant variety protection. The term "variety" includes germplasm, natural selections, cultivar, inbred lines, or hybrids. Intellectual Property protection may be obtained on all varieties.* [Spartan48]

*(2) At the time of release or before plant variety protection is filed, ownership of the variety is assigned to NDSU/RF.* [Spartan49]

*(3) Per North Dakota law, N.D.C.C. § 15-10-17(9) and SBHE Policy 611.2, the percentage of the Net Royalties due the Inventor is established pursuant to rules of the State Board of Higher Education and NDSU (See 4(j)).* [Spartan50] [Spartan51]

*(4) The North Dakota Agricultural Experiment Station* [Spartan52] *(NDAES) supports the following internal distribution of Net Royalties* [Spartan53] *generated from the utilization of plant varieties developed by the NDAES. First* [Spartan54], *the NDSU/RF will be reimbursed for expenses. Then, Net Royalties* [Spartan55] *will be distributed by NDSU/RF as follows:*

*i. 20% to the NDSU/RF from in-state licensing royalties (or 32.5% from out-of-state licensing royalties or 35% from foreign licensing royalties),*

*ii. 30% to the Inventor(s),*

*iii. 50% from in-state collected royalties (or 37.5% from out-of-state licensing royalties and or 35% from foreign licensing royalties) to be distributed as directed by NDAES to the contributing departments or units.* |

[Spartan56]

*The NDAES and the NDSU/RF can negotiate to change the NDAES and NDSU/RF percentages on a case-by-case basis.* [Spartan57]

*(5) The Breeder or her/his immediate supervisor, in consultation with the relevant Department Chair/Head, [Spartan58] will identify, before a variety release, other scientists who provided inventive activity towards the development of the variety. Following pre-release, but in no event later than the release, the Breeder and the*

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*other [Spartan59] scientists will decide how to divide the Inventor share among themselves and will recommend this distribution to the Department Chair/Head and Director of the NDAES. [Spartan60]*

*(6) Should a scientist believe that s/he is a Breeder entitled to a portion of the Inventor share and has not been so identified as stated in this section, the scientist must notify her/his Department Chair/Head or Unit Director and [Spartan61] the Director of the NDAES in writing of her/his [Spartan62] claimed inventorship before the release of the variety [Spartan63]. Disputes on inventorship or department/unit distributions shall be resolved by a decision panel [Spartan64] which shall consist of the VPRCATT, the Vice President for Agriculture and University Extension (VPAUE), Director of the NDAES, and the Department Chair/Head(s) [Spartan65] involved, in consultation with General Counsel. The VPAUE may include an advisory panel of faculty with expertise in the area to advise the decision panel. [Spartan66]*

*(7) Upon termination of employment, a Breeder must identify to her/his immediate supervisor, the Director of the NDAES, and TTO of any advanced genotype(s) in which s/he claims inventorship. The Institution and the Inventor [Spartan67] shall negotiate rights in the varieties. If the Inventor fails to make this disclosure prior to or at the time of termination of employment, Inventor shall be deemed to have waived any rights to Net Royalties [Spartan68] on nondisclosed varieties. Net Royalties [Spartan69] may be paid only for a set term pursuant to the agreement on advanced genotypes released as varieties. [Spartan70]*

*(8) The Breeder [Spartan71] shall elect at the time of release of the variety to receive or permanently waive some or all of that share that such Breeder(s) is/are entitled to receive from Net Royalties [Spartan72], if any, from the variety. [Spartan73]*

*/. It is the responsibility of employees to ensure that the terms of their consulting agreements with third parties do not conflict with their commitments to the Institution. Each employee shall make the nature of the employee's obligations to NDSU clear to any third party for whom the employee expects to consult. Specifically, the scope of the consulting services must be distinguished from the scope of research commitments to NDSU. (See NDSU Policy Section 152) [Spartan74][Spartan75][Spartan76]*

## 5. General Copyright Policy.

a. Except as otherwise explicitly provided under this policy or applicable law, an employee who creates a Work retains copyright ownership of the Work. If there has been Significant Use of University System or Institutional Resources, the provisions of section **4b5(b)** of this policy shall apply.

b. If there has been Significant Use of Institutional Resources, as defined in section 2 of this policy, to create a Copyrightable Work, the ownership of which is vested in the individual employee, the Institution shall be reimbursed out

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of the ~~royalties~~ Net Royalties, in accord with an agreement between the employee and the Institution, up to that amount that constitutes the Institution's Significant Use. The Institution shall be reimbursed for the Significant Use of any facilities, personnel or resources, except those considered part of the normal academic environment including library facilities. *This pertains to all Copyrightable Work except Copyrightable Software as described in section 6-7.* [Spartan77]

c. If employees are employed or commissioned by the Institution or agencies of the Institution for the creation of Work, or if by prior agreement they are assigned to produce or develop Work in the course of their regular duties, and if such Work is deemed appropriate for copyright, it must be reported to the ~~NDSU Technology Transfer Office~~ TTO pursuant to its copyright review procedure. In such instances, the ~~NDSU Technology Transfer Office~~ TTO shall have the first option to secure copyright in the name of the Institution. Should the ~~NDSU TTO~~ committee decide, in writing, it would not be appropriate to secure copyright, the employee then may proceed to personally secure the copyright.

d. Net Royalties received as a result of copyright ownership by the Institution will be disbursed, with at least 30 percent to the employee(s). *The remainder would will be distributed according to NDSU Procedures (4(ii)).* [Spartan78]

## ~~5-6.~~ Mediated Courseware.

a. Self-initiated Mediated Courseware. When employees develop Mediated Courseware without specific direction by the Institution, unless otherwise agreed, the ownership of the courseware shall remain with the employee. Normally, no royalty, rent or other consideration shall be paid to the employee when that Mediated Courseware is used for instruction at the Institution and such Mediated Courseware shall not be used or modified without the consent of the employee. While the Creator is under Institutional employment, the Mediated Courseware shall not be sold, leased, rented or otherwise used in a manner that competes in a substantial way with the for-credit offering of the employee's own Institution unless that transaction has received the approval of the chief academic officer of the Institution. The Institution shall have a perpetual, non-exclusive royalty-free right to use such courseware for archival research purposes. Should approval be granted to offer the course outside of the Institution, the provisions of section ~~4b~~ 5(b) of this policy shall apply.

b. Institution-directed Mediated Courseware. When the Institution directs in an employment contract the creation of a specific Mediated Courseware, the resulting Mediated Courseware belongs to the Institution and the Institution shall have the right to revise it and decide who will utilize the Mediated Courseware in instruction. The Institution may specifically agree to share revenues, pursuant to the General Patent Policy with the employee(s) receiving a minimum of 30 percent of the ~~net royalties~~ Net Royalties and fees, and control rights with the employee.

c. Development and use of Institution-directed Mediated Courseware shall be reported to the unit head and/or college administrator with a copy to the Technology Transfer Office TTO [Spartan79] at the Institution.

## ~~6-7.~~ Copyrightable Software.

Unless a separate written agreement provides otherwise, software created by employees within the scope of their employment and not covered under Mediated Courseware in section ~~56~~ of this policy shall be treated as a Work for Hire, owned by the Institution and commercialized pursuant to the General Patent Policy, with the employee(s) getting a

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minimum of 30 percent of the ~~net royalties~~ Net Royalties and fees. The remainder will be distributed according to NDSU Procedures (4(j)).

## 7.8. Student Work / Intellectual Property.

a. The ownership of copyrights in student Work is governed by the following:

(1) Copyright ownership of student Work that is performed in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grants from funds administered by the Institution shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the Institution.

(2) Copyright ownership of student Work generated by research performed in whole or in part utilizing equipment or facilities provided by the Institution under conditions that impose copyright restrictions shall be determined in accordance with such restrictions.

(3) Students will own the copyrights to their Work not within the provisions of (1) and (2) above; however, a student must, as a condition to a degree award, grant royalty-free permission to the Institution to reproduce and publicly distribute, including by electronic means, copies of the student's Work.

(4) Where there is Significant Use of Institution Resources, copyright ownership shall be determined under section ~~4b~~ 5(b) of this policy.

b. Ownership of student Inventions shall be governed by the Patent Policy in ~~section~~ sections 3 & 4 of this policy. *It is the policy of ~~North Dakota State University~~ NDSU that this grant of ownership and control extends to any Work products or written and electronic reports of ~~employees~~ students that are essential for documentation of any ~~invention~~ Invention or discovery resulting from research administered by the ~~institution~~ Institution. Students who are performing services as teaching assistants or research assistants or who are using university resources shall therefore be required by the departmental administrator to submit the original form of any laboratory notebook, spectral information, electronic data, and other written documentation related to University-~~administered~~ research.*

(1) Inventions which are created on the student's own time and which do not involve Significant Use of University System's or Institution's Resources shall belong to the student.

(2) Ownership of a student Invention that is created in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grants from funds administered by the Institution shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the Institution.

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*(3) Ownership of a student Invention generated by research performed with Significant Use of Institution resources (utilizing equipment or facilities provided by the Institution under conditions that impose Invention restrictions) shall be determined in accordance with such restrictions.*

[Spartan80] **9. General Trademark Policy** [Spartan81]

NDSU may develop a Trademark policy that provides for the protection of NDSU Trademarks and Service Marks.

HISTORY: New policy to reflect SBHE policy 611.2, incorporates NDSU policies 340, 341 and 342, May 2005.

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## POLICY CHANGE COVER SHEET

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

**Section:** *NDSU Policy 700: Services and Facilities Usage*

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

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

Policy Committee: [presented 02/11/10](#)  
University Senate: [routed for input 04/19/2010](#)  
Staff Senate: [routed for input 04/19/2010](#)  
~~Student Senate/Executive Board:~~  
President's Council: [routed for input 04/19/2010](#)

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

VPFA

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## SECTION 700: SERVICES AND FACILITIES USAGE

### SOURCE:

**NDSU President**

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

~~1.1~~

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

~~1.2~~

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

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

~~2.1~~

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

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

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

4. Pets are not allowed within University academic, administrative and auxiliary buildings. Service dogs and other service animals as defined by NDSU Policy Manual Section 100.2, animals on University farm properties, horses at the Equine Science Center, any animals used for research or classroom study as allowed by NDSU Policy Manual

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Section 346, and those animals recognized by the University Institutional Animal Care and Use Committee shall be excluded from these requirements. Individuals in Residence Life buildings will comply with the NDSU Student Code of Behavior. Additionally, individuals with pets on campus must comply with all City of Fargo pet related ordinances.

~~— Animals are prohibited in campus buildings. Outdoors, animals must be on a leash or must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible to clean up after their animal(s) and for any health or safety issues that may arise concerning the presence of these animals on University properties and at NDSU sponsored or supervised events.~~

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

~~— 4.2 Exceptions:~~

~~— 4.2.1 Service animals as defined in Policy 100.2 (link):~~

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

~~— 4.2.3 Animals used in equine instruction at the Equine Science Center:~~

~~— 4.2.4 Fish in residence halls as defined in the NDSU Code of Student Conduct Behavior. (link)~~

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

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

~~— 4.2.7 Animals used in law enforcement:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The request must be in writing and include: name of organization, contact person, location, requested dates and detailed description of project. A contract must be signed

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prior to any activity beginning on University property or at a University sponsored event. The project can't disrupt normal operations of the University. For restrictions on the use of state property for political activities see also, NDSU Policy 160.

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

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## Curriculum Vitae Gary Totten

### Education

- Ph.D. English, Ball State University, July 1998
- M.A. English, Brigham Young University, August 1993
- B.A. Humanities, Brigham Young University, December 1990

### Teaching Experience: English Department North Dakota State University

Associate Professor, 2007-present; Assistant Professor, 2004-2007

### Selected Publications (past three years)

#### Peer-Reviewed Books:

- Totten, Gary, ed. *Memorial Boxes and Guarded Interiors: Edith Wharton and Material Culture*. Tuscaloosa: U of Alabama P, 2007.

#### Peer-Reviewed Journal Articles and Book Chapters:

- Totten, Gary. "Embodying Segregation: Ida B. Wells and the Cultural Work of Travel." *African American Review* 42.1 (Spring 2008): 47-60. Rpt. in *Representing Segregation: Toward an Aesthetics of Living Jim Crow, and Other Forms of Racial Division*. Ed. Brian Norman and Piper Kendrix Williams. Albany: SUNY Press, 2010. 167-84.
- . "Critical Reception and Cultural Capital: Edith Wharton as a Short Story Writer." *Pedagogy: Critical Approaches to Teaching Literature, Language, Composition, and Culture* 8.1 (Winter 2008): 115-33.
- . "Teaching Travel Writing as Life Writing." *Teaching Life Writing Texts*. Ed. Miriam Fuchs and Craig Howes. New York: Modern Language Association, 2007. 53-58.
- . "Southernizing Travel in the Black Atlantic: Booker T. Washington's *The Man Farthest Down*." *MELUS (Journal of the Society for the Study of the Multi-Ethnic Literature of the United States)* 32.2 (Summer 2007): 106-31.
- . "Introduction: Edith Wharton and Material Culture." *Memorial Boxes and Guarded Interiors: Edith Wharton and Material Culture*. Ed. Totten. Tuscaloosa: U of Alabama P, 2007. 1-16.
- . "The Machine in the Home: Women and Technology in *The Fruit of the Tree*." *Memorial Boxes and Guarded Interiors: Edith Wharton and Material Culture*. Ed. Totten. Tuscaloosa: U of Alabama P, 2007. 237-64.

### Selected Conference Presentations (past three years)

- "Walking in the City: Theodore Dreiser and Cultural Vision," *Modern Language Association Conference*, Philadelphia, PA, December 27-30, 2009
- "Geographies of Race and Mobility in Carl Rowan's *South of Freedom*," *International Colloquium: Riding/Writing Across Borders in North American Travelogues and Fiction*, Vienna Austria, October 16-19, 2009 (Invited)

“Re-making America in Dreiser’s Florida Travel Diary,” *American Literature Association Conference*, Boston, MA, May 21-24, 2009

“Bodies of Knowledge: Cultural Transmission and Black Female Mobility in Zora Neale Hurston’s *Tell My Horse*,” *Midwest Modern Language Association Conference*, Minneapolis, MN, November 13-16, 2008

“The Dialectic of History and Technology in Wharton’s *A Motor-Flight through France*,” *Edith Wharton & History Conference*, Pittsfield, MA, June 26-28, 2008

“Women Who Do: Ideological Affinity in the Works of Dreiser and Grant Allen,” *American Literature Association Symposium on Naturalism*, Newport Beach, CA, October 4-5, 2007

“Embodying Segregation: Ida B. Wells and the Cultural Work of Travel,” *International Society for Travel Writing Conference*, Madrid, Spain, September 19-21, 2007

“Body, Text, and Travel in Dreiser’s American Diaries and *A Hoosier Holiday*,” *American Literature Association Conference*, Boston, MA, May 24-27, 2007

## Professional Service

### *State/National/International*

Vice-President, Edith Wharton Society, 2010-present  
 Secretary/Treasurer, International Theodore Dreiser Society, 2008-present  
 Executive Committee, MLA Discussion Group on Travel Literature, 2005-2010; chair 2009  
 Steering Committee, International Society of Travel Writing, 2009-present  
 Theodore Dreiser Bibliography Committee, 2007-present  
 Outside Reviewer for PT&E, College of Charleston, 2007  
 Facilitator, ND Humanities Council, “Read North Dakota,” with Leif Enger, 2007  
 Manuscript Reader, *College Literature*; *American Literary Realism*; *American Indian Quarterly*

### *North Dakota State University*

University Senate, 2009-present  
 University Anti-Racism Team, 2004-present  
 University General Education Committee, 2009-present  
 College of Art, Humanities, & Social Sciences, Student Progress Committee, 2005-2008  
 English Department Graduate Program Director, 2007-present  
 English Department Graduate Studies Committee, 2004-present; chair 2007-present  
 English Department Curriculum Committee, 2004-present  
 English Department Vertical Writing Curriculum Committee, 2005-2006  
 Red River Conference on World Literature Committee, 2005-2008

## Recent Grants & Awards

### *Grants:*

Helm Visiting Fellowship Grant, Lilly Library, Indiana University, 2008-2009  
 Larry Remele Memorial Fellowship Grant, North Dakota Humanities Council, 2005-2006

### *Awards:*

Outstanding Research Award, NDSU College of Arts, Humanities, & Social Sciences, 2008  
 Vogel Teaching Award, NDSU English Department, North Dakota State University, 2007  
 NDSU Bison Ambassadors Apple Polisher Award, 2007

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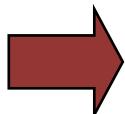
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## Policy Change Cover Sheet

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



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

SECTION: *335: Code of Academic Responsibility and Conduct*

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

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

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

*General Counsel*

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

*This portion will be complete by Kim Matzke-Ternes*

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

University Senate:

10/21/09 routed to US Exec for Input; 11/27/09 routed version 4 with updates from General Counsel

Staff Senate:

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

President's

Council:

10/27/09 routed for input

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or [kim.matzke-ternes@ndsu.edu](mailto:kim.matzke-ternes@ndsu.edu)*

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# NDSU

NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

## POLICY MANUAL

For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

### SECTION 335: CODE OF ACADEMIC RESPONSIBILITY AND CONDUCT

#### SOURCE: NDSU University Senate Policy

The academic community is operated on the basis of honesty, integrity, and fair play. Occasionally, this trust is violated when ~~academic misconduct~~cheating occurs, either inadvertently or deliberately. This Code ~~will serve~~s as the guideline for cases ~~where-in which~~in an instructional context (e.g., coursework, exams for degree requirements, practical experience, or fieldwork experience). This Code also serves as the guideline for cases in which there is evidence of student academic misconduct in more than one instance. Procedures established by an academic college may exceed the minimum standards outlined in this policy~~and an established procedure has not been approved by the faculty of a college such as the Honor System of the College of Agriculture.~~

1. Academic misconduct (intentional or otherwise) includes but is not limited to the following:
  - a. Plagiarizing, i.e., submitting work that is, in part or in whole, not entirely one's own, without attributing such portions to their correct sources;
    - i. Unauthorized collaboration with other students and representing it as one's own individual work also is considered plagiarism;
    - ii. Unintentional plagiarism is still plagiarism;
  - b. Receiving, possessing, distributing or using any material or assistance not authorized by the faculty member in the preparation of papers, reports, examinations or any class assignments to be submitted for credit as part of a course or to be submitted to fulfill College requirements;
  - c. Arranging to have others take examinations or complete assignments (e.g., papers, reports, laboratory data, or products) for oneself, unauthorized collaborating with another student on individual assignments or doing academic work for another student;
  - d. Stealing, or otherwise improperly obtaining copies of an examination or assignment before or after its administration, and/or passing it onto other students;

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- e. Copying, in part or in whole, exams or assignments that will be kept by the faculty member and are handed out in class only for review purposes;
  - f. Knowingly submitting a paper, report, presentation, examination, or any class assignment that has been altered or corrected, in part or in whole, for reevaluation or re-grading, without the faculty member's permission;
  - g. Misrepresenting one's attendance or the attendance of others in a course or practical experience where credit is given and/or a mandatory attendance policy is in effect;
  - h. Fabricating, i.e., falsifying data in research, papers, and reports;
  - i. Aiding or abetting academic misconduct, i.e., knowingly giving assistance not authorized by the faculty member to another in the preparation of papers, reports, presentations, examinations or laboratory data and products;
  - j. Copying another student's work (e.g., data, results in a lab report, or exam) without his or her knowledge;
  - k. Tampering with or destroying materials in order to impair another student's performance;
  - l. Utilizing false/misleading information (e.g., illness or family emergency) to gain extension and/or exemption on an assignment or test.
- 1.2. The primary responsibility of the students, faculty members, staff members; and administrators is to create an atmosphere where-in which the academic honesty, integrity, and fair play are the norm and academic misconduct is minimized. ~~of individuals will not be questioned.~~
- a. Faculty members are responsible for providing guidelines concerning cheating academic misconduct and plagiarism at the beginning of each course in each class syllabus, and should use precautionary measures and security to discourage academic misconduct. ~~in cases where cheating is likely to occur.~~
- 2.b. Students are responsible for submitting their own work. Students who cooperate on oral or written examinations or work without authorization share the responsibility for violation of academic principles and the sStudents are subject to disciplinary action even when one of the students is not enrolled in the course where the violation occurred.
- 1.3. The Faculty member and the administrators are responsible for procedural fairness to the any accused student. ~~or students in accordance with the following procedure:~~ A faculty member who suspects that academic misconduct has occurred in his/her class or other instructional context has an initial responsibility to:
- a. Faculty members who suspect that prohibited academic conduct has occurred in their class have an initial responsibility to: 1) inform the student or students involved of his/her suspicion and the suspicion's grounds;
  - b. 2)-allow a fair opportunity for the student to respond; and

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

4. Faculty members have the prerogative of determining the penalty for ~~prohibited~~ academic misconduct in their classes and other instructional contexts. ~~Faculty members may, among other sanctions, fail the student for the particular assignment, test, or course involved.~~

a. Penalties may be varied with the gravity of the offense and the circumstances of the particular case. Penalties may include, but are not limited to failure for a particular assignment, test, or course.

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

c. ~~If a faculty member imposes a penalty, the faculty member must complete the Student Academic Misconduct Tracking Form and submit copies to his/her will provide a written statement of the action to the~~ department chair head, the dean of the college of the student's primary major, the dean of the faculty member's college, the Registrar, and the Provost/VPAA and Vice President for Academic Affairs. In the case of ~~the graduate students, academic misconduct, the graduate dean of the College of Graduate and Interdisciplinary Studies also must receive a copy of the completed Student Academic Misconduct Tracking Form.~~ will also be notified.

~~b. d.~~ Within three class days of receiving the Student Academic Misconduct Tracking Form, the Registrar shall enter the information from the Student Academic Misconduct Tracking Form into a FERPA compliant Student Academic Misconduct Database.

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

~~a.~~ a. ~~That~~The dean of the college of the student's primary major may impose academic warning or probation in the college, according to established college policy. ~~or the~~

~~e. b.~~ Alternatively, the dean may recommend suspension or expulsion to the Academic Standards Committee, as outlined in Section 411 ~~{of this policy}~~. ~~If the student is not enrolled in the college where the infraction occurred, the dean of the college for the student must be informed before the disciplinary sanction is imposed and may impose a disciplinary sanction for that college, also.~~

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6. Accusations involving academic misconduct of graduate students will follow the procedure described in Sections 4 and 5 with the following exception. The dean of the ~~home academic~~ college of the student's primary major will recommend a ~~sanction~~ penalty (which may include academic warning, academic probation, suspension, or expulsion) to the ~~graduate dean~~ of the College of Graduate and Interdisciplinary Studies, not the Academic Standards Committee.

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

i. of the action taken;

ii. describe description of the graduate student appeal process, and indicate to the student

iii. the date by which an appeal must be filed by the student, should the student choose to file an appeal. Failure to file an appeal will result in implementation of the specified action.

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

c. Failure to file an appeal will result in implementation of the specified action.

d. If the student is suspended or expelled, the Dean of the College of Graduate and Interdisciplinary Studies shall notify the Registrar.

7. If a person not ~~currently~~ enrolled at NDSU is involved in ~~prohibited~~ academic misconduct, the faculty member shall send a written statement describing the violation to the Provost/VPAA, and Vice President for Academic Student Affairs, Registrar, Vice President for Student Affairs, and the Director of Admission shall be informed of the violation for appropriate action. Appropriate action may include, but is not limited to, holds being placed on admission or readmission to the university.

8. If, when entering a faculty member's report into the Student Academic Misconduct Database, it is discovered that the student has a prior record of academic misconduct, the Registrar shall notify the Provost/VPAA and dean of the college of the student's current primary major about the student's repeated academic misconduct.

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

b. The Provost/VPAA and/or the dean may recommend penalties up to and including suspension or expulsion to the Academic Standards Committee, as outlined in Section 11 of this policy.

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

9. An undergraduate student who has received a penalty from a faculty member for or a disciplinary sanction academic misconduct for prohibited academic conduct may appeal the decision.

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- a. The student must consult (in sequence) with the instructor faculty member, the faculty member's department chair/head, and the faculty member's Dean, in sequence, to resolve the conflict to appeal the decision.
  - b. If, after the consultations outlined in Section 9.a., the appeal is not granted, Then, the student may request a hearing by the Student Progress Committee in the college where the violation occurred. In addition, tThe student may request that two additional students be appointed to the Student Progress Committee for the hearing; one student shall be a member of the Student Court appointed to the Student Progress Committee by the Chief Justice of the Student Court, and the other student shall be a student senator for that college appointed to the Student Progress Committee by the sStudent bBody pPresident.
  - c. The outcome of the appeal shall be communicated to the Registrar by the Student Progress Committee within three class days after the Student Progress Committee has made its final decision.
  - b.d. If the Student Progress Committee decides that no academic misconduct has occurred, then the Registrar shall delete all relevant information relating to the case from the Student Academic Misconduct Database. Otherwise, the Registrar shall enter the decision of the Student Progress Committee into the Student Academic Misconduct Database.
- 4.2. 10. A graduate student may be suspended or expelled for prohibited academic conduct by the Academic Standards Committee in accordance with the following procedure: who has received a penalty for academic misconduct may appeal the decision with the Graduate Student Appeals Committee, as outlined in the current NDSU Graduate Bulletin.
- 5.3. 4. 11. An undergraduate student may be suspended or expelled for academic misconduct by the Academic Standards Committee in accordance with the following procedure:
5. 5. The dean of the college of the student's primary major or the Provost/VPAA must notify the student that theyhe or she will recommend suspension or expulsion to the Academic Standards Committee, but the student must be given two-school class days to file a written notice of appeal with the Student Progress Committee before the recommendation is presented to the Academic Standards Committee.
- b. The student may appeal the recommendation of suspension or expulsion to the Student Progress Committee as outlined in sSection 3.b.9.b-d -above.
- c. The Academic Standards Committee may impose suspension or expulsion, if an appeal with the Student Progress Committee is not in progress.

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

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

a. Written notice of the concerns and recommendation to rescind the graduate's degree(s) shall be sent via certified mail with return receipt to the graduate, with a hold placed on the student's record. The graduate will have ~~30~~thirty calendar days after the notice was received to respond in writing or request a hearing with the conferring college's Academic Standards Student Progress Committee for undergraduate degree holder, or the Graduate Council for graduate level degree holders. A recommendation by the Student Progress Committee or the Graduate Council to the Provost/VPAA whether to rescind the degree(s) shall be made within ~~30~~ thirty calendar days after a response is received or hearing is completed.

b. A decision by the Provost/VPAA shall be made within ~~30~~thirty calendar days after receiving the recommendation. The graduate has ~~10~~ten -business days after receiving the Committee or Council recommendation to respond, in writing, to the Provost/VPAA. Notice of the decision whether to rescind the degree(s) shall be sent to the respondent via certified mail with return receipt.

c. The respondent may file an appeal of this decision with the President of the University within ~~30~~ thirty calendar days of receiving the notice of the decision. The President's decision will normally be made within ~~30~~thirty calendar days after receiving the appeal.

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

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

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## Approved General Education Recommendations

### Outcomes Key:

1. Communicate effectively in a variety of contexts and formats.
2. Locate and use information for making appropriate personal and professional decisions.
3. Comprehend the concepts and perspectives needed to function in national and international societies.
4. Comprehend intrapersonal and interpersonal dynamics.
5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society.
6. Integrate knowledge and ideas in a coherent and meaningful manner.
7. Comprehend the need for lifelong learning.

### Courses Approved for General Education (New)

Course No.	Course Title	Recommended Categories	Recommended Outcomes
HNES 355	International Health	B, G	2, 3

### Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes

Course No.	Course Title	Categories	Outcomes
CDFS 475	Children & Families Across Cultures	B, D	3, 6