



NDSU STAFF SENATE

NORTH DAKOTA STATE UNIVERSITY STAFF SENATE MEETING MINUTES

April 10, 2006

Visit the Staff Senate website at:
www.ndsu.nodak.edu/staff_senate

Full Staff Senate meetings are held the second Wednesday of each month from 9:30-10:30 a.m.
The Executive Committee meets on the fourth Wednesday of each month from 9:30-11:00 a.m.

Upcoming Staff Senate Meetings:

May 10, 2006	9:30-10:30 am	Dakota Ballroom, Memorial Union
June 14, 2006	9:30-10:30 am	Prairie Rose, Memorial Union
July 12, 2006	9:30-10:30 am	Committee Meetings – locations will be arranged by Committee Chairs

Upcoming Executive Committee Meetings:

April 26, 2006	9:30-11:00 am	Crest, Memorial Union
May 24, 2006	9:30-11:00 am	Crest, Memorial Union
June 28, 2006	9:30-11:00 am	Atrium, Memorial Union
July 26, 2006	9:30-11:00 am	Crest, Memorial Union

All broadbanded staff members are encouraged to attend.

I. Meeting was called to order by Janine Trowbridge at 9:32 am.

II. Substitutions.

(Heather Heger) Remember to check in at the back table. For today's meeting, there was a quorum with 47 senators present, 17 absent.

Substitutions:

Josh Boschee in for Jodie Filpus

Guests:

Sandy Holbrook, Office for Equity and Diversity
Jolean Pederson, University Police and Safety Office

III. Approval of Agenda.

Items added/deleted on the agenda are as follows: Add 1) Library Committee Report; 2) PR Committee Report; 3) Motion to remove CITPG representative from Bylaws; and 4) Motion to adopt Staff Senate Logo. Barb Geeslin made a MOTION to accept the agenda as amended. Jackie Schluchter SECONDED the MOTION. The MOTION CARRIED.

IV. Program.

Dr. Sandra Holbrook – Web based reporting for Bias, Bigotry, or Hate complaints. See <http://www.ndsu.edu/biasreport>. NDSU is committed to providing a welcoming, respectful, and safe campus for all who come here. This website provides NDSU students, staff, and alumni a way to report acts of bias, bigotry, or hate that occur at NDSU. Although the reporting system is anonymous, one can choose to share contact information. Those who choose to share contact information will receive a response. To use this web-base reporting system, one must have an NDSU login and password. The data collected from this reporting system will be compiled annually and shared with the campus. Information collected may also be used as case studies and for training purposes.

Jolean Pederson – Ergonomics. Ergonomics is about fitting the job to the person not the person to the job. It's not an exact science. Jolean does 2 to 3 ergonomic evaluations on campus per week. Attitude, lifestyles, obesity, lack of physical fitness, substance abuse, and repetitive motion can all play a part in how we do our jobs. Jolean looks at the whole person - not just the body part that hurts. Jolean looks at each body part...wrist to elbow, elbow to shoulder, neck, etc. She looks at keyboard, chair, computer screen, posture and proper body mechanics. Everyone should follow the 20-20-20 rule (every 20 minutes, take an eye break and look 20 feet away for 20 seconds). Jolean will also recommend simple stretching exercises. Her final ergonomic recommendations will be in writing. To request an ergonomic assessment, fill out the request form on-line at http://www.ndsu.nodak.edu/ndsu/physical_plant/oseh/Forms/RequestForAssessment.pdf

An ergonomics training and quiz can be found at
http://www.ndsu.nodak.edu/ndsu/physical_plant/oseh/Presentations.htm

V. Approval of the March 8, 2006, meeting minutes.

Minutes, as published, were approved by unanimous consent. Staff Senate meeting minutes are available at: http://www.ndsu.nodak.edu/staff_senate/meetings.shtml

VI. Treasurer's Report.

Vicki Miller. There are fund balances of \$ 3,614.25 in appropriated funds; and \$ 2,946.20 in local funds.

VII. Committee Reports.

A. Policy Coordination. **Attachment 1**

For information:	Policy 149:	Leave without Pay;
	Policy 153:	Smoke Free Facilities;
	Policy 230:	Grievance Procedure for Conditions of
		Employment; and
	Policy 337:	Grade Appeals Board.

Steve Bergeson made a MOTION to accept Policies 149, 153, 230, and 337. Paul Froeschle SECONDED the MOTION. All in favor. The MOTION CARRIED.

For input: Policy 407: Auxiliary Functions Services

Concerns were shared about competitive pricing, some lack of flexibility, and quality of services. Thoughts were also shared that the Auxiliary Services are entirely self supporting and fund a number of functions on campus.

Rian Nostrum made a MOTION to accept Policy 407. Dolly Wadholm SECONDED the MOTION. The MOTION was APPROVED by a roll call vote: 27 - 16. The following senators or their substitutions voted yes: R. Bauman, J. Brandt, L. Christianson, P. Cossette, M. Evenson, J. Boschee, C. Fink, L. Fragoldt, B. Frazier, S. Geising, K. Groszhans, H. Heger, P. Hommen, B. Jacobson, C. Kojosed, P. Larsen, B. Lonski, T. McMullen, R. Nostrum, I. Olsen, J. Schluchter, J. Schwartz, J. Spacek, D. Summers, S. Underdahl, and D. Wadholm. The following senators or their substitutions voted no: S. Adams, S. Bergeson, L. Briggs, L. Dallman, J. Davidson-Harrington, P. Froeschle, B. Geeslin, D. Hegdahl, K. Koch, M. Koehlmoos, M. Milam, B. Miller, S. Morgan, T. Nelson, B. Peterson, and B. Welk.

B. Campus Space and Facilities.
This committee has not met this year.

C. Bylaws. **Attachment 2**

D. University Senate. Janine Trowbridge reported the Staff Senate IT recommendations were passed by the University Senate.

E. President's Council. Janine Trowbridge reported that the President's Council met last week. Sandy Holbrook presented information regarding the NDSU Bias

Reporting System. The State Board of Higher Education met last Thursday and is working on the budget. An Information Safeguarding Taskforce Committee has been formed. Broc Lietz noted it is important for departments to know that if an employee is allowed paid leave in advance, and then leaves the University, the department is responsible for the negative leave balance. The City of Fargo was very appreciative of NDSU allowing release time for its staff and students to help in the flood fight.

F. President's Report.

Janine Trowbridge is working on the President's Report. It will be out soon. Janine thanked the Executive Board Committee members for their efforts. She thanked Broc Lietz and Colette Erickson for their guidance and counsel. Janine's report will come via e-mail.

G. Logo/Banner. **Attachment 3**

Three Staff Senate logo designs were shared.

Paul Froeschle made a MOTION to adopt the design that shows "NDSU" with a "STAFF SENATE" overlay. Laura Dallman SECONDED the MOTION. MOTION CARRIED. Janine Trowbridge asked the Logo/Banner committee to begin looking at banner options.

H. NDSU Wellness Center Advisory. **Attachment 4**

I. Legislative. **Attachment 5**

J. Election. Janine Trowbridge asked that when nominating a staff member for Staff Senate, be sure to OK it with the nominee. The Bylaws section related to the election process will be reviewed for updates.

K. Scholarship. Brian Miller reported that the committee voted Friday, and the results will be coming shortly.

L. CITPG. **Attachment 6**

M. Library Committee. **Attachment 7**

N. P.R. Committee. The P.R. Committee still needs volunteers to work the Health Fair. They need volunteers for the 12:30, 1:00, and 1:30 pm spots.

VIII. Old Business.

None.

IX. New Business/Discussion.

A Motion to dissolve the Staff Senate membership to CITPG. Brian Miller made a MOTION to dissolve the Staff Senate membership to CITPG as CITPG is being disbanded, and make an immediate Bylaws change to reflect this move. Sue Geising SECONDED the MOTION. The MOTION CARRIED.

X. Advisor Comments.

None.

XI. Announcements.

President Chapman removed his name from the University of Wyoming Search.

NDSU has made the top 35 list of the Best Places to Work 2006 for Post Docs. This list comprises the top institutions within North America.

Thank you to Bruce Frantz for helping getting the Staff Senate election information out to the Facilities Management staff.

Committee chairs need to make arrangements for the location of their July meeting. All rooms in the Memorial Union will be used for orientation on our scheduled date to meet.

COSE needs FISH nominations by April 19th.

XII. Adjourn.

Bob Peterson made a MOTION to adjourn. Teresa Nelson SECONDED the MOTION. The MOTION CARRIED. The meeting was adjourned at 11:15a.m.

NOTE: Senators who must be absent from a Staff Senate meeting are to send a substitute. Any regular broadbanded employee who is not a senator may be a substitute and will have all the rights and privileges as a Staff Senator at that meeting. Substitutes, please sign in on the attendance sheet listing by the Staff Senator's name for whom you are substituting. Please notify Membership/Attendance Officer Heather Heger prior to the meeting. (231-8293 or heather.heger@ndsuh.edu).

Respectfully submitted,

Lois Christianson
Secretary

Attachment 1

POLICY CHANGE COVER SHEET

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

Section 149 – Leave Without Pay

This revision for flexibility in leaves without pay for research faculty who are funded totally on grant/contract funds from external agencies. These research faculty need the institutional affiliation and research faculty title to compete effectively for additional funding.

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

Policy Committee – 3/24/06
President's Council – 3/24/06
University Senate – 3/24/06
Staff Senate – 3/24/06

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

Provost's Office (via General Counsel and Director for Equity and Diversity)

SECTION 149: LEAVE WITHOUT PAY

SOURCE: SBHE Policy Manual, Section 701.1

1. Leave without pay may be authorized for benefited employees, who have maintained a record of good performance, for purposes such as education, research, temporary employment with another university, governmental, or private agency when such employment will contribute to the employee's expertise in his or her field and make the employee more effective upon return to employment, literary pursuits, or any other purpose that will improve the employee professionally and will directly or indirectly benefit the institution or system. In addition, a leave without pay may be granted for necessary absences due to illness (when family medical leave is not available or has expired) or other important matters.
2. Requests for leave without pay for the President shall be approved by the Board. Requests for leave without pay for institution employees shall be approved by the institution president or designee.

All Employees

In cases where a leave without pay is requested due to sickness, the employee may be requested to provide medical certification to verify the existence of a health condition including date of commencement and probably duration of the illness.

Broadbanded Employees

Leave without pay for a period of less than 21 working days may be authorized by the department head. Leave without pay for 21 or more working days requires advance approval of the appropriate vice president and should be requested through the Office of Human Resources/Payroll.

Leave may not be granted for a period in excess of one calendar year, except for military service. Failure of an employee to report for duty or reinstatement on expiration of leave granted is cause for automatic termination.

Externally Funded Research Faculty

Research faculty (so designated by their titles) who are funded totally on externally generated funds may, when their project and funding are completed, request a leave without pay while they submit proposals for additional funding. Such a leave must be approved as other leaves without pay but allows the research faculty member to retain their research faculty title and use it when submitting funding proposals. Research faculty applying for a leave without pay under these circumstances should follow the NDSU Guidelines below but use this form [link from here].

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3. An employee who is on an approved leave of absence without pay may continue to be covered by employer benefits (health, basic life and employee assistant program) and/or voluntary benefits (optional life, dental, etc.) provided:

- a) the employee remits the appropriate premium(s) to the Human Resources/Payroll Office,
- b) such coverage is not inconsistent or contrary to insurance contracts, and
- c) such coverage would not be contrary to State law.

4. Leave of absence shall be granted with assurance of reinstatement to the same position or to other employment in the department recommending the leave unless circumstances make it clearly impractical.

5. Employees on leave without pay shall retain their year's service rights and accumulated benefits but shall earn no additional benefits.

6. ***NDSU Guidelines***

Proposals for leave of absence without pay shall be in writing and submitted on the University's Leave of Absence form <<http://www.ndsu.edu/ndsu/vpaa/forms/leave.pdf>> for approval through appropriate channels. An individual requesting a leave without pay for a reason other than illness should inform the department chair or unit administrator at least six months prior to the anticipated leave and submit the request for administrative approval at least three months prior to the leave.

No proposal for leave without pay shall be approved unless the employee agrees, in writing, to provide notification to the University by a specific date of the employee's resignation or of the employee's intent to return to NDSU. The date is to be negotiated prior to approval of the proposal. Failure by the employee after a specific request by the responsible supervisor to either provide the notification of the intent to return or to submit a resignation by the required date shall be deemed to be a resignation.

HISTORY: March 13, 1987, Amended April 1995, October 1996, October 1998, April 2002

**NORTH DAKOTA STATE UNIVERSITY
FARGO, NORTH DAKOTA 58105
LEAVE WITHOUT PAY (NDSU Policy 149)
for Externally Funded Research Faculty**

THIS AGREEMENT, effective the ____ day of _____, 2006 ("Effective Date") by and between NORTH DAKOTA STATE UNIVERSITY ("NDSU"), a state institution of higher education located at Fargo, North Dakota and _____ ("APPLICANT"), who is employed by North Dakota State University and whose current address is: [insert address]

1. APPLICANT has been funded totally on grant/contract funds, and that funding has ended [or will be ending on or about (insert date)]. The APPLICANT has submitted (or will shortly) a proposal(s) for funding to (specify agency or agencies to which submissions are anticipated):

[insert short description of funding proposal]

and has followed all appropriate NDSU policies (see Sponsored Programs Administration - <http://www.ndsu.edu/research/spa/>).

2. APPLICANT requests leave without pay for the period beginning _____ and ending on the date when new funding is available and subject to NDSU approval of the date for the termination of the leave without pay. This leave without pay will continue for one year from the beginning date, unless terminated sooner. It can be extended only upon mutual agreement. NDSU reserves the right, at its discretion, to terminate this Agreement at any time (this means Applicants Leave Without Pay status would terminate).

3. APPLICANT will retain his/her current position title during this leave period and is expected to use that title in making funding submission(s) during the leave period.

4. APPLICANT understands that the University does not provide fringe benefits such as retirement contributions, disability coverage, workers compensation, etc., during a leave without pay. The APPLICANT may, however, pay the monthly health insurance premium to remain covered under the NDSU employee health insurance plan (or show proof of health insurance coverage if Applicant will be using NDSU facilities). APPLICANT should consult with the Benefits Coordinator in Human Resources/ Payroll to make appropriate arrangements.

5. NDSU hereby grants APPLICANT leave without pay for the period stated above, subject to the terms of this AGREEMENT and with any additional conditions noted below:

[Insert any additional conditions.]

By: _____ Date _____
Applicant

Department Chair Vice President

Dean/Director President

POLICY CHANGE COVER SHEET

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

Section

153: Smoke-Free Facilities

- Language has been changed to make NDSU policy consistent with SBHE Policy 917. Changed language to state smoking is prohibited in residence halls and apartments. This is consistent with Residence Life's contracts and practices.

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

Policy Coordination Committee - 3/24/06

Staff Senate - 3/24/06

University Senate – 3/24/06

President's Council – 3/24/06

Student Senate – 3/24/06

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

General Counsel

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

SECTION 153: SMOKE-FREE FACILITIES

SOURCE: SBHE Policy Manual, Section 917

~~Effective fall quarter/semester, 1990, all facilities of the North Dakota University System shall be nonsmoking except for the following areas:~~

~~1. Private areas in university/college owned housing.~~

1. Except as provided by subsection 2, smoking is prohibited in all North Dakota University System buildings and enclosed structures and facilities.

2. Institutions may establish smoking and nonsmoking apartments and residences, including private rooms in residence halls or dormitories, provided that smoking is prohibited in all common areas and areas to which the public has access. Institutions may permit smoking areas in outdoor arenas, provided that smoking is prohibited in all restrooms and other enclosed areas.

~~2.~~ NDSU Guidelines: Smoking is not permitted in any areas of the residence halls or apartments. Smoking is permitted in outdoor arenas or other open-air outdoor facilities.

HISTORY: June 21, 1990

POLICY CHANGE COVER SHEET

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

SECTION 230: GRIEVANCE PROCEDURE FOR CONDITIONS OF EMPLOYMENT

At a recent HRC meeting, significant language changes were made to HRC policy 28 regarding grievance procedures. Because these changes were so great, and it would be too complicated to try to match our policy with HRC's, it was decided that the easiest course of action was to redact the whole policy and replace it with the current HRC policy.

The primary change to the policy, however, was the elimination of some of the steps in the process. Where in our current policy there are five steps to the grievance process, there are now only two steps. Additionally, there are now 10 days given to the employee to advance the grievance to the next level of supervision in step two; previously there were only five days given.

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

Policy Coordination Committee – 3/24/06

University Senate -

Staff Senate -

President's Council -

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

Office of HR/Payroll

SECTION 230: GRIEVANCE PROCEDURE FOR CONDITIONS OF EMPLOYMENT

SOURCE: NDUS Human Resource Policy Manual, Section 28

1. — This Grievance Procedure is established to provide employees the opportunity to request review of grievances relating to conditions of employment by a higher authority. Copies of all written grievances and subsequent decisions shall be forwarded to the Director of Human Resources/Payroll.

1.1

- (Step 1) An employee shall explain in writing a grievance to their immediate supervisor. The written grievance will include the cause of the grievance and provide a suggested remedy. A grievance must be brought within twenty working days from the act causing the grievance unless a longer period of time is provided by law or written agreement. The supervisor, either alone or in collaboration with their supervisors, shall reach a decision and communicate it in writing to the employee within ten working days of their being told of the situation causing grievance. Every effort should be made to settle grievances at this stage. If the grievance is against the employee's immediate supervisor, the employee may begin the grievance with the next level of supervision.

1.2

- (Step 2) If the grievance is not settled at the first step, the employee shall submit a written appeal to the next level of supervision within five ~~10~~ working days. The supervisor shall make a written reply to the employee's appeal within ten working days.

1.3

- (Step 3) If the grievance is not settled at the second step, the employee shall submit a written appeal to the next level of supervision (usually the department head) within five working days. The department head shall obtain the facts of the case up to this point from the department file and may hold a conference with all the parties concerned. Within ten working days of the receipt of the appeal, the department head shall notify the employee, the immediate supervisor, and the Director of Human Resources/Payroll of the decision in writing.

1.4

- (Step 4) If the grievance is not settled at the third step, the employee shall file a written appeal within five working days for submission to the Staff Personnel Board with the Director of Human Resources/Payroll. The Staff Personnel Board shall hold a hearing with persons concerned in the grievance. The Staff Personnel Board shall determine whether the grievance has merit, deciding to either accept or reject the proposed remedy of the employee. The Staff Personnel Board may prescribe alternative remedies to

~~— otherwise resolve the grievance. Within five working days after completion of the conferences, the Staff Personnel Board shall present its written decision to the department head, the employee, the Director of Human Resources/Payroll and the University President.~~

~~1.5~~

~~— (Step 5) If the grievance is not settled at the fourth step, the employee or the department head shall, within five working days of receipt of the decision of the Staff Personnel Board, may submit a written request for a review by the President of the institution. This written request must be filed with the Director of Human Resources/Payroll. Within ten working days after receiving all information on the grievance, the President shall provide a written decision with copies to the employee, the employing department head and the Director of Human Resources/Payroll. The President's decision shall be final.~~

~~1.6~~

~~— The Staff Personnel Board shall be appointed by the President to hear employee grievances. This Board shall consist of three appointed members. The three members shall appoint a chairperson who shall conduct the hearing.~~

~~1.7~~

~~— Any disposition which is not appealed by the employee within the time allowed at each level shall be considered settled and binding on the employee and the University. At any level, the employee and the appropriate administrator may agree, in writing, that additional time is required after the grievance has been filed in writing. A copy of their agreement must go to the Director of Human Resources/Payroll who shall keep official records of the progress of the grievance regarding sequence and time limits.~~

1. The grievance process begins when a regular staff employee presents in writing an allegation that there has been a violation, misinterpretation, or misapplication of a policy, procedure, or practice regarding the employee's employment conditions. Dismissal, change to lower pay rate, suspension without pay, reduction in force (see Section [223 Reduction in Force](#)), and job family assignment (see Section [241 Broadbanding Policy](#)) and issues of illegal discrimination (see SBHE procedure 603) cannot be grieved pursuant to this section.

2. If an employee feels unfairly treated or has a complaint, the employee shall first discuss the issue with the immediate supervisor in an attempt to solve the problem at the lowest level possible. The discussion may include others within the supervisory chain.

3. All employees have the right to present grievances to their supervisors or department heads and are assured freedom from discrimination, coercion, restraint, or reprisal in presenting grievances.

4. At each step of the grievance procedure, the employee may be represented by another institutional employee or by a representative of the employee's choosing.
5. Process: NOTE: All references to work days shall be to actual days worked at the normal work site by the person required to respond. Any disposition which is not advanced within the time allowed at each level shall be considered settled and binding on the employee and the institution. At any level, the employee and the appropriate supervisor may agree, in writing, that additional time is required after the grievance has been filed in writing. A copy of all documents must go to the Director of Human Resources or other designated campus official who shall keep official records of the progress of the grievance.
 - 5.1. (Step 1) If the discussion described in 2 does not lead to a resolution of the issue, then an employee shall submit his/her grievance in writing to the immediate supervisor and deliver a copy to the Director of Human Resources or other designated campus official.
 - 5.1.1 If the grievance involves the immediate supervisor, the employee may begin the process with the next level of supervision.
 - 5.1.2. The written grievance will describe with specificity the management action which is the cause of the grievance, cite the policy, procedure, or practice involved, and provide a suggested remedy. The remedy must be applicable to the person grieving.
 - 5.1.3 A grievance must be brought within twenty working days from the act causing the grievance unless a longer period of time is provided by law or written agreement. The Director of Human Resources or other designated campus official shall notify the employee and the supervisor whether the complaint meets the criteria for a grievance. Within ten working days from this notification that the criteria has been met, the supervisor shall reach a decision and communicate it in writing to the employee. Every effort should be made to settle grievances at this stage.
 - 5.1.4 A supervisor may confer with his/her supervisors.
 - 5.2 (Step 2) If the grievance is not settled at step one, the employee shall advance the written grievance to the next level of supervision within ~~five~~ **ten** working days. The advanced grievance must include a copy of the original written grievance, the supervisory responses, and a letter describing the disagreement with the supervisory responses. The supervisor shall reply in writing to the employee's grievance within ten working days.
 - 5.2.1 Advance of the grievance may not exceed three levels (not including the President). The third level of review will be at the Vice President level except in the case of other direct reports to the President. To facilitate the process where an

employee has multiple layers of supervisory oversight, the Director of Human Resources will designate the responding supervisors.

- 5.3** If a grievance is advanced to the institution President or designee after the Vice President's response or if an employee reports directly to the President, the President or designee shall review the grievance and render a decision within ten working days, or the President may appoint a Staff Personnel Board within ten working days. A Staff Personnel Board consisting of three appointed members shall review the grievance and supervisory responses and may investigate any issue pertaining to the grievance in an effort to provide a recommendation to the President or designee. The Staff Personnel Board must provide their recommendation with twenty working days of their appointment. The President or designee shall render a decision within ten working days of the Staff Personnel Boards recommendation. The decision of the President or designee shall be final.

POLICY CHANGE COVER SHEET

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

Section 337: Grade Appeals Board

Changes include a more detailed process for grade appeals and a provision for under extraordinary circumstances (such as a clear injustice or mistake), a department chair with the approval of the dean of the college may change a grade without the instructor's approval.

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

Policy Coordination Committee: 2/24/05; 4/21/05; 5/19/05; 7/21/05; 9/15/05;
11/17/05; 12/15/05; 1/27/06; 3/24/06
University Senate: 9/12/05; 11/10/05
Staff Senate: 5/23/05
Student Senate/Executive Board: 5/23/05
President's Council: 5/23/05

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

Grade Appeals Board (1/10/05; 2/24/05; 4/21/05)
General Counsel (4/21/05)

SECTION 337: GRADE APPEALS BOARD - **Revision**

**SOURCE: University Senate
NDSU President**

The Grade Appeals Board purpose and membership are established in Part XI of the University Senate Bylaws. http://www.ndsu.edu/ndsu/deott/univ_senate/constitution.pdf

GRADE APPEALS BOARD PROCEDURES

PREREQUISITES FOR APPEAL:

1. The Board may be utilized only after the student has exhausted possible appeal routes within the college offering the course involved. Each individual college will be expected to specify such appeal routes, but the following guidelines should be adhered to as closely as possible and will apply in the absence of any specialized procedures.
 - a.

A student must initiate a request for a change of a grade with the instructor within fifteen (15) instructional days of the first day of the semester immediately following the semester in which the grade was awarded. For Spring Semester courses, the request may be made within fifteen (15) instructional days of the start of Fall Semester, if the student is not enrolled for a summer term, but is enrolled in Fall Semester. An appeal is deemed formally initiated when the student presents the Grade Appeal Form to the instructor. The instructor must date and initial the form at that point. Within five (5) instructional days, the instructor shall inform the student of his/her decision, record the steps taken to resolve the appeal and the decision on the Grade Appeal Form, and date and sign the Form.
 - b.

If there is an unsatisfactory decision, the student must consult the department head, and the dean or a designated college committee, proceeding from one level to the next only after an unsatisfactory decision of the conflict at that level. In the event that the instructor is also the department head or dean, he or she need only be consulted in the capacity of instructor. The student shall have five (5) instructional days following an unsatisfactory outcome of the appeal to continue with the appeal at the next level. At each stage, the individual considering the appeal shall inform the student of his/her decision, record the steps taken to resolve the appeal and the decision on the Grade Appeals Form, and date and sign the Form.
 - c.

The instructor must be informed of all proceedings in Section b above by the person in charge at the level.
 - d.

Both the instructor and the student shall have the right at any time during the proceedings to call a meeting of all persons involved in submitting and considering the appeal and, optionally, to invite the Board to send an observer to that meeting.

e. In the event that the instructor is no longer employed by North Dakota State University, or is on leave from the University, the instructor may designate another faculty member from within the department to represent his/her interest in the grade appeal. If the instructor is not available to designate a substitute, the department head shall represent the absent faculty. If the department head cannot act impartially, a substitute shall be designated by the dean.

2. In the event of an unsatisfactory decision within the college, the student may submit a formal written appeal to the Board Chair. Such an appeal shall be made within fifteen (15) instructional days after conclusion of the college proceedings as stated above.
3. In extraordinary circumstances (such as avoiding a clear injustice or mistake, e.g., an instructor leaves, refuses to respond to inquiries about the grade, there is a mathematical error or violation of the syllabus), and after the procedures in Subsection 1 above have been completed, a department head, with approval of the dean of the college, can change a grade without the instructor's approval. In such cases, a note of record shall be filed with the Registrar. An instructor can appeal such a grade change to the Grade Appeals Board pursuant to this Policy. Colleges can adopt procedures to implement this subsection. (Note: The purpose of this provision is to avoid compelling the student go through the formal appeal to the Grade Appeals Board where the outcome is certain and clear in the student's favor.)
4. The Board Chair may designate a Board member as Appeal Chair or process the appeal personally. If the instructor is the Board Chair, the Board members shall designate an Appeal Chair. If the Appeal Chair is not the Board Chair, the Board Chair will forward the appeal document to the Appeal Chair within five (5) instructional days of receiving the appeal. The Appeal Chair should be from a college outside that of the instructor whose grade is being appealed.
5. The Appeal Chair will send a copy of the appeal document to the instructor within ten (10) instructional days. The instructor will have fifteen (15) instructional days to respond to the student's appeal.
6. The Appeal Chair will then distribute copies of the appeal document and the instructor's response to all Board members and the instructor within five (5) instructional days. If a Board member is unable to participate in the proceedings, his or her alternate will act for the member.
7. Each Board member (or alternate) must inform the Appeal Chair in writing within five (5) instructional days indicating whether there is a need to hold a meeting to discuss the appeal. If all of the members indicate that the student has not made a case, the appeal is denied and the student is notified, in writing, within five (5) instructional days of the Board's decision. Otherwise, the Appeal Chair will call a meeting of the Board within ten (10) instructional days.
8. At this meeting, the Board will raise any questions unanswered by the appeal and instructor's response. The Board will then vote to decide whether to hold a hearing based on the following criteria: the student presented evidence of prejudicial grading or raised questions of the possibility of prejudicial grading. A hearing will be scheduled within fifteen (15) instructional days if a simple majority of members vote to hold a hearing.
9. If the Board decides to hear the appeal, it shall provide the instructor and student with a copy of any written statement provided to the Board by the other party.

Deleted: two-thirds

HEARING PROCEDURES (APPROVED MAY 12, 1986)

1. General Provisions

- a. If the Board decides to hear an appeal, it shall designate from among its total membership a panel of seven members to hear the appeal. Four members of the panel shall be chosen by lot from the faculty membership of the Board, and two additional members of the panel shall be chosen by lot from the student membership of the Board. The seventh member of the panel shall be the Board Chair, who shall serve as a non-voting moderator of the hearing panel. In order to avoid any conflict of interest, a board member who believes that he/she may not be able to hear a case fairly shall recuse him/herself and shall be replaced by his/her alternate. Additionally, the student and instructor shall each have one peremptory challenge to remove a board member from service on the hearing panel. A challenged board member shall be replaced by his/her alternate. In the event that a challenged board member is an alternate, another member of the board shall be chosen by lot to serve on the hearing panel. The word "Board" shall be used hereafter in these hearing procedures to describe the seven-member hearing panel so elected, or the full Board, in the event it decided to hear an appeal of a hearing panel decision.
- b. All hearings are normally open only to those people who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the student, instructor, and Board chair.
- c. The student, the instructor, and the Board, each shall have the right to be assisted during Board procedures by an advisor or other counsel who may observe the proceedings and advise his/her party. Unless allowed by the Board Chair, the advisor/counsel will not be permitted to address the Board or witnesses.

Deleted: Under no circumstances will this advisor/counsel be permitted to address the Board or witnesses.

2. Evidence. Because this is an educational hearing, formal rules of evidence do not apply. Every effort will be made to allow all reasonable and relevant information to be presented for the Board's consideration.
 - a. Hearsay evidence is permitted; the members of the Board may consider such evidence and assign it any weight appropriate by each individual Board member.
 - b. An absolute right of cross-examination is not granted under this policy. The Board Chair will allow all relevant and reasonable questions to be placed to either party or their witnesses, but retains the right to exclude questions that are redundant or irrelevant to determining responsibility. Persons answering questions will be given reasonable latitude by the Board Chair to respond to those questions fully.
 - c. Either party or their witnesses before the board will be permitted to elaborate on written documents previously submitted to the board in their oral presentations to the board.
 - d. Parties planning to bring exhibits to a hearing must generally provide copies of those exhibits to the other parties and the members of the board three (3) instructional days prior to the hearing to allow for a review of exhibits and the development of any pertinent questions. The Board Chair may permit deviations to this time restriction so long as the other party has sufficient time to prepare an adequate response.
 - e. The Board Chair shall have the right to exclude from the hearing and the record any unreliable, biased, or redundant evidence.

3. f. On questions requiring academic expertise, the Board shall rely heavily on the testimony of other members of the department involved, or throughout the NDSU academic community.
- g. In reaching a decision the board shall consider only information produced at the hearing and will evaluate the information using the “more likely than not” standard of proof. The burden of proof shall be on the student to establish that his/her grade should be changed.
- h. The voting members of the board will determine, by two-thirds majority vote, if the student’s appeal should be granted. A second vote shall then be held to determine by simple majority vote what the student’s revised grade should be. All votes shall be conducted by secret ballot.
- i. All hearings of the board will be recorded up to the point of the board’s deliberations necessary to render a decision. A copy of the recording shall be retained in the Office of the Provost and Vice President for Academic Affairs for a period not less than three (3) years. The board will allow controlled access to the tape for review or transcription by either the student or the instructor.
- j. The Board shall allow an initial presentation by the student and then by the instructor involved, after which it may call such other witnesses as it deems necessary. In order to be able to accomplish this, the Board shall have the authority to compel the appearance or testimony of essential witnesses from the NDSU academic community. Hearing outline.
 - a. The Board Chair will call the meeting to order and will introduce the members of the board and their function within the University community.
 - b. The Board Chair will describe the general outline of the hearing and read the evidentiary rules to the board. The Board Chair will read the following honesty statement.

The University expects that all information presented in this hearing will be true and correct to the best of each person’s knowledge. If a student willfully provides false information, he/she will be in violation of NDSU’s Code of Student Behavior. As a result, he/she may be subject to disciplinary action. Dishonest behavior by any faculty or staff member will be reported to that person’s supervisor for any necessary disciplinary action.

All potential witnesses will be advised of this honesty statement in advance.

- c. The Board Chair will excuse witnesses from the room at this point.
- d. The Board Chair will introduce the student who will present the appeal and any evidence.
- e. The Board Chair will introduce the instructor who will respond to the student’s appeal and present any additional evidence.
- f. The student will be allowed to present witnesses, who will be allowed to make statements and may be asked questions by the student, instructor, and/or members of the Board. Questions by both parties may be directed to the Board Chair, who will then determine if the question is relevant to the proceeding, ask if the respondent understands the question, and request a response. At the chair’s discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.
- g. The instructor will be allowed to present witnesses, who will be allowed to make a statement and may be asked questions by the student, instructor and/or members of the board.

Questions by both parties may be directed to the chair, who will then determine if the question is relevant to the proceeding, ask if the respondent understands the question, and request a response. At the chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.

h. The board may compel the attendance of any essential witnesses from the NDSU academic community to present testimony. Such witnesses will be allowed to make a statement and may be asked questions by the student, instructor, and/or members of the board. Questions by both parties may be directed to the Board Chair, who will then determine whether the question is relevant to the proceeding, ask whether the respondent understands the question, and request a response. At the chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.

i. The student and instructor will be permitted to ask questions of each other.

j. Final questions will be permitted by the members of the board, who may question either party and/or their witnesses.

k. The student shall have an opportunity to make a closing statement.

l. The instructor shall have an opportunity to make a closing statement.

m. Both parties and their witnesses will be dismissed for deliberations by the board and recording will stop at this point. Only board members, the Board Chair, and the board's counsel/advisor (if designated) may be present during deliberation.

n. The Board Chair will send a written notice of the board's findings to the student, instructor, department head, and dean within ten (10) instructional days of the hearing. If the board votes to change the student's grade, notice shall also be sent to the University Registrar regarding the grade change. The written notice shall include an explanation of the board's rationale in making its decision and a signed copy of the Grade Appeal Form attesting to the board's decision.

4. The board may not release any information about its investigation to anyone but the parties directly involved. All Grade Appeals information is confidential and may not be disclosed in whole or in part except as provided under the Family Education Rights and Privacy Act (FERPA) or other applicable law or policy.

APPEAL

Either the student or the instructor may request within fifteen (15) instructional days of a hearing panel decision, that the full Board hear an appeal from the decision, citing the error(s) by the hearing panel that would justify a new hearing. The Board shall meet to consider such a request, but no voting member of the hearing panel shall be eligible to vote on granting a new hearing. Instead, alternate members shall replace those Board members who served on the hearing panel. If a majority of the full Board votes to accept the appeal, it shall proceed to hold a hearing in accordance with the hearing procedures above, again using alternate members in place of those who served on the hearing panel. The Board Chair shall serve as a non-voting moderator at the appeal hearing, and a two-thirds vote by secret ballot of the full Board, shall be required to uphold the student's appeal and approve a change in grade. A separate simple majority vote shall determine what the student's new grade shall be.

| HISTORY: May 15, 1972; Amended May 1986; April 1992; April 2000; April 2001; March 2002.

Deleted: INTERPRETATION ¶

No provision in this statement of procedures shall be construed to deny or disparage the full rights of either the student or the instructor as a citizen under the Constitution and laws of the United States. ¶

POLICY CHANGE COVER SHEET

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

Section 407: Auxiliary Exclusive Services

New policy establishing auxiliary functions' exclusive rights on campus as sole providers of their service on campus. Auxiliary services has become a significant source of revenue for University operations and it is in the University's interest to support these services.

Thus, the policy advances a policy of requiring use of those services by University Departments. It is not intended to interfere with NDSU employees spending their personal funds for personal purchases or services.

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

Policy Coordination Committee - 7/21/05; 8/18/05; 9/15/05; 11/17/05, 3/24/06
Staff Senate - 11/22/05
University Senate – 11/22/05
President's Council – 9/05; 11/22/05

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

VP for Student Affairs

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

SECTION 407: Auxiliary Exclusive Services

SOURCE: NDSU President

- 1.0. Purpose: NDSU auxiliary functions (Dining Services, Wellness Center, Day Care, Student Health Center, Residence Life, Telecom and the Varsity Mart) have all invested heavily in infrastructure in order to serve NDSU. These entities also provide important local dollars to help support the University overall. It is in NDSU's interest to support their functions.
- 2.0. Therefore, this policy establishes "exclusive rights to operate" for those identified auxiliary functions to be the sole providers of their services on campus. NDSU departments and NDSU related entities receiving services on NDSU property must follow this policy (provided that such services are not otherwise contracted out - see 3.0).
 - 2.1. The FargoDome, Technology Park and Alumni Association/Development Foundation are entities which are exempt when receiving services on their property as they are separate from the University. However, the functions of the Vice President for Research, Creative Activities, and Technology Transfer are not exempt at the Research & Technology Park.
 - 2.2. This policy does not apply to individual's purchasing products or services for personal use or to services which are a part of an academic class.
 - 2.3. Departments are encouraged, rather than required, to order their office supplies and equipment from the Varsity Mart.
 - 2.4. This policy does not apply to services at the Alumni Center, but departments are encouraged to use NDSU Auxiliary Services at the Center.
 - 2.5 Student organizations are considered "related entities" when receiving services in the Memorial Union or for any function on campus larger than 20 people when not in the Union.
- 3.0. Exceptions to this policy may be made with the approval of the affected auxiliary unit (or Dean of Student Life) or when the auxiliary unit can not provide the service. Exceptions may also be required due to governing law or regulation or due to contractual commitments by the University.

Attachment 2

By-Laws 2005-06 Committee Report

The work done on By-Laws committee for NDSU Staff Senate this year has been limited. We did examine the by-laws and how to accept a new mission statement. Nothing was noted in the by-laws for this change as it is a more of a constitutional change. It is noted that a change to the constitution would require a 51% of the voting body and approval of the University President as per our constitution. Robert's Rules of Order recommend a 2/3 majority for voting on constitutional changes though. This should also include advanced notice prior to a regular meeting.

Work to be done and updated include the following:

- Adding a 2nd Reading requirement to constitutional changes and more than a 51% majority
- Updating language regarding NDSU Policy 231 regarding Staff Senate Executive Committee putting together a pool (selected to serve on Staff Personnel Board Appeals)
- Defining how certain elections are conducted (re: notice given, etc.)
- Staff Senate Agenda to be placed on the website like the minutes are at http://www.ndsu.nodak.edu/staff_senate/

Jodie R. Filpus
Weible Hall Director
Department of Residence Life
North Dakota State University
Phone: 701-231-3240
Fax: 701-231-7599
www.ndsu.edu/reslife

Attachment 3

Staff Senate Ad-hoc Logo/Banner Committee Update, April 11, 2006

Three choices of a NDSU Staff Senate logo were made available for review. Feedback is welcome, email comments to Jeff.Schwartz@ndsu.edu.

NDSU
STAFF SENATE

NDSU
STAFF SENATE

NDSU
STAFF SENATE

Attachment 4

NDSU Wellness Center Advisory Board (Barb Geeslin/Deb Hedgahl):

The board met on March 9th. Olaf Anderson and Sons Construction Company was awarded the general contractor with work commencing in April. The majority of the expansion should be completed by July 1, 2007. The Health Fair is scheduled for April 11 (50 vendors have signed up). At this time, fitness memberships consist of 6700 students, 253 faculty and staff, 91 associate members, and 104 dual members. The last meeting of the board for this academic year is scheduled for April 21.

Legislative Committee

The legislative committee would encourage the addition of new members.

Our activity level this past year has been low, primarily because it was an “off” year in the budgeting process. Major item of university concern was the equity issue. The outside consultant’s report made it clear that inequity did exist and they suggested a model that would correct some of it. However, current data logging and retrieval systems are incapable of providing the information to make the suggested model functional. So, we remain mired in the status quo.

In the coming legislative session we will be re-instituting our regular meetings with VP Keith Bjerke to stay current with budget developments impacting the university.

CITPG 2005-6 Final Report

Procedural changes for 2005-6

Dr. Karl Altenburg is the chair for the 2005-6 year and meetings were increased in frequency from monthly to every other week. He received an e-mail from Dr. Tom Moberg (NDSU CIO, head of ITS) on August 31st that stated that ITS will not be attending CITPG meetings due to “many new initiatives” that will “preclude much involvement with CITPG”.

Meeting summaries

Rosi Kloberdanz from ITS did attend a meeting in October that VP Craig Schnell was also invited to. The main issues dealt with had to do with cluster and classroom reservation. CITPG and ITS worked together to develop some guidelines were approved. Dr. Schnell joined the meeting later and recommended that CITPG focus on academic IT needs and concentrate on its central purpose of planning and goals.

Based on that guidance, a survey was developed that asked faculty members on their perceived IT needs. The Group Decision Center hosted the survey and roughly 33% of the faculty took the survey, which is considered a good turnout.

The most highly rated items from the survey were:

- Cluster and classroom reservations
- Computer access
- Distance learning and on-line course delivery
- Support for Academic computing (faculty training, high end academic computing)

The meetings after the survey worked on establishing long term goals and write the yearly report for the University Senate.

The future of CITPG

The IT Governance Review Committee report recommended disbanding CITPG and other campus IT committees and setting up an Information Technology Council (ITC) with subcommittees called IT Advisory Groups (ITAGs). University Senate will vote on dissolving CITPG April 10th.

Staff Senate will have a seat on the ITC and each of the ITAGs. This will give us more representation, albeit it in a larger organization. Overall, I feel the new system is a positive move. Most of the CITPG members are faculty, so they will hopefully be carried over to the ITAG for Teaching and Learning.

Respectfully Submitted

Brian Miller
Staff Senate CITPG representative

Library Committee Meeting
March 23, 2006

Present: Norma Kiser-Larson (Nursing/Pharmacy) Kara Wolfe (ADFHM/HDE)
Shawn Kram (Student at large) Valerie Johnson (Student government) Chuck Harter
(Univ Senate) Anne Denton (Computer Science) Joseph Szmerekovsky (Business)
Sandy Sprafka (ITS) Melissa Evensen (Staff Senate) Paul Ode (Entomology/Science)

Minutes of previous meeting were shared and it was noted that previous minutes are posted on the Library's website. Dr Drayson offered to chair the meeting and take minutes.

Old Business:

Main Library:

- Casual Reading Collection --The dedication ceremony for the Weber Room went well and the Shott collection is receiving good usage. The Humanities Librarian will be evaluating the usage statistics this summer to determine what types of books are the most popular with a view towards acquisitions for the coming year.
- Vending machine for supplies – the library partnered with the Varsity Mart to have a vending machine installed in the Main Library. This has been very popular with students; supplies such as blue books, scantron test sheets, and pens are selling well.
- Lockers – at the request of the student reps to this committee, additional lockers have been installed in the Main Library. They are currently available for one-day check out only.
- Book returns – additional book return bins are being installed at the Wellness center, downtown campus and research tech park this spring. Other locations suggested for book return bins include dining centers, large classroom buildings, and residence halls. It is expected that the each year one more bin will be installed.
- Momentum Capital Campaign – the library has been included in the campaign and has received some funding. The goal for the library portion of the campaign is \$1.2 million.
- Online catalog (ODIN) –The library successfully migrated to a new online catalog earlier this year. Concordia and MSUM are about 6 months behind in the process, but it is expected that sometime in the coming year the link between the North Dakota, South Dakota and Minnesota library systems will be re-established. This should improve access and interlibrary loan.

- Life Sciences Librarian --Marilyn Hedberg was hired as Life Sciences Librarian and is working hard at getting to know faculty, staff and students in her areas. There are currently no professional librarian positions open.
- Printing management system --the Go Print system is being installed in the libraries for public printing. Users will need a Bison card to release their print jobs. Arrangements will be made for the public, TCU students, etc. to have a limited number of free prints as well as pay for any needed beyond the initial limit.
- Computer cluster staffing – ITS is now staffing the computer clusters, in the Main Library, until 9 pm. This was particularly an issue early in the academic year.

New Business

- Grants --the library was awarded 3 grants from Development Foundation this month.
- Architecture library – It will be necessary to relocate the architecture library when the remainder of the Architecture faculty and classes move downtown. No plans are currently in place, but this is under discussion with the department and administration.
- Mission statement & goals – Pam indicated that she had hoped this spring to invite students, faculty and staff to participate in updating the library mission statement and setting goals for the next 5 years. This was postponed to wait for the accreditation site visit results and the Dean's Council strategic planning.
- Hours-the student reps indicated that increasing library hours (especially during finals weeks as well as regular Friday and Saturday nights) has become a platform issue in the upcoming student government election. Pam remarked that she also thought the time had come to increase hours at the various branches and was sure the library, administration and students would find a way to work together on this issue. Increasing graduate programs was expected to result in a need for extending hours.
- Positions open – Pam announced that she is resigning as Dean of Libraries effective May 2 to take a position elsewhere. She thanked the committee members for their time and assistance over the past six years. The student representatives asked if students would be involved in the selection process for a new Dean and were reassured that they would have a role to play.

The committee members were encouraged to contact Tom Bremer, associate library director, if they have any questions, comments, or problems related to the libraries.

Respectfully submitted, P. K. Drayson, Dean of Libraries