



NORTH DAKOTA STATE UNIVERSITY
STAFF SENATE MEETING MINUTES
JANUARY 10, 2007

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:

February 14, 2007	9:30-10:30 am	Dakota, Memorial Union
March 14, 2007	9:30-10:30 am	New Ballroom, Memorial Union
April 11, 2007	9:30-10:30 am	New Ballroom, Memorial Union

Upcoming Executive Committee Meetings:

January 24, 2007	9:30-11:00 am	Small Conf Rm 2, Memorial Union
February 28, 2007	9:30-11:00 am	Small Conf Rm 2, Memorial Union
March 28, 2007	9:30-11:00 am	Small Conf Rm 2, Memorial Union
April 25, 2007	9:30-11:00 am	Small Conf Rm 2, Memorial Union

All broadbanded staff are encouraged to attend.

I. Meeting was called to order by Steve Bergeson at 9:30 am.

II. Substitutions.

Bonnie Cooper. For today's meeting, there was a quorum with 55 senators present and 8 absent.

Substitutions:

Audrey Olson for Joy Anderson
Dana Davis for Viet Doan
Vicki Miller for Kimberly Groszhans
Diana Kowalski for Heather Heger
Randy Larson for Tim Singelmann
Kris Mickelson for Bruce Steele

Guests:

Provost/VP for Academic Affairs Craig Schnell
Sheree Kornkven

III. Approval of Agenda.

Items added/deleted on the agenda are as follows: 1) move Library report to first time under Committee Reports; 2) add Staff Development Committee – Discover U Update; and 3) add Equal Opportunity Panel under Announcements. Agenda, as amended, was approved by unanimous consent.

IV. Program.

Provost/VP for Academic Affairs Craig Schnell addressed the Senators. Staff members are NDSU's frontline ambassadors, and the administration appreciates the great job staff does for the University. Provost Schnell shared updates in the academic affairs area. See <http://www.ndsu.edu/vpaa/> for more information regarding academic affairs.

V. Approval of the December 13, 2006, meeting minutes.

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

VI. Treasurer's Report.

Laura Dallmann. There are fund balances of \$1,016.70 in appropriated funds and \$8,917.24 in local funds.

VII. Committee Reports

A. Library – Paula Larsen – Attachment 1

B. Policy Coordination – Barb Geeslin - Attachment 2

For Information:

Policy 101	Personnel Definitions (Broc Lietz)
Policy 143	Sick/Dependent Leave (Broc Lietz)
Policy 148	Payroll Deduction Services (Broc Lietz)

Policy 169	Employee Responsibility and Activities: Theft and Fraud &
Policy 169.1	Employee Misuse of Property Reports - Protections (Rick Johnson/Lois Christianson)
Policy 326	Academic Misconduct (Rick Johnson/Lois Christianson)
Policy 335	Code of Academic Responsibility and Conduct (Rick Johnson/Lois Christianson)

For Input:

Policy 139	Leave With Pay (Broc Lietz)
Policy 151.1	Conflict of Interest (Rick Johnson/Lois Christianson)
Policy 805	Allowable Cost Policies - Compensation for Personal Services (Rick Johnson/Lois Christianson)

Barb Geeslin gave a review of the policy changes. Deb Hegdahl made a motion not to support the language change in subsection 4 of Policy 139. Pierre Freeman **SECONDED** the MOTION. Deb Hegdahl withdrew her motion and Pierre Freeman withdrew his **SECOND** of the MOTION. Discussion ensued. Laura Dallmann made a motion to support the language update in Policy 139 as it simply clarifies existing policy. Deb Hegdahl **SECONDED** the MOTION. The MOTION was **APPROVED BY** a roll call vote: 34-8. The following senators or their substitutions voted yes: S. Adams, T. Anderson, R. Barclay, R. Baumann, J. Brandt, L. Briggs, L. Carstensen, L. Christianson, B. Cooper, L. Dallmann, C. Flink, B. Frazier, P. Froeschle, B. Geeslin, V. Miller, J. Hagen, D. Hegdahl, T. Helweg, B. Jacobson, K. Koch, B. Kozojed, B. Lonski, L. Olsen, J. Onken, R. Prunty, C. Reppen, J. Shearer, R. Larson, K. Sjostrom, K. Mickelson, E. Torguson, S. Underdahl, L. Unger, and W. Vandal. The following senators or their substitutions voted no: J. Davidson-Harrington, L. Fragodt, P. Freeman, T. McMullen, V. Olson, K. Sizer, J. Trowbridge, J. Vaudrin. Laura Dallmann made a MOTION to create an ad hoc committee to try to review this portion of the policy and seek a possible change in policy so one would not have to take a personal leave day on a day in which the university is closed. Deb Hegdahl **SECONDED** the MOTION. Motion carried with a majority vote. Five senators voted no. Vance Olson, Kay Sizer, and Bonnie Cooper volunteered to service on this ad hoc committee.

- C. Staff Development** - Lorna Olsen gave updates regarding the Discover U workshop, wellness program and mini workshops. Discover U is scheduled for Wednesday, February 7th, 8:00 a.m. - 4:30 p.m. in the FargoDome. The deadline to sign up is January 23rd.

VIII. Old Business. None.

IX. New Business. None.

X. Advisor Comments.

Broc Lietz shared that the 60th Legislative Session is in full swing. There are a couple of items of interest relating to Flex and ND PERS in the ND legislature.

XI. Announcements.

- The schedule for upcoming Staff Senate meeting dates, times, locations, and guest speakers is posted at http://www.ndsu.nodak.edu/staff_senate/meetings.shtml.

- Six individuals selected to represent Staff Senate and staff in general for possible service on an Equal Opportunity Hearing panel are Milika Carter, Joshua Malnouri, Casey Peterson, Tim Singelmann, Lauren Unger, and Nyra Thornton.

XII. Adjourn.

Kris Mickelson made a MOTION to adjourn the meeting. Jeri Vaudrin SECONDED the MOTION. The MOTION CARRIED. The meeting adjourned at 11:20 am.

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@ndsu.edu).

Respectfully submitted,

Lois Christianson
Secretary

Library Committee

As library liaison, I am pleased to forward the following items. The minutes of the December meeting of the University Senate Library Committee haven't been approved yet, so those will have to go in next month's Staff Senate minutes. In addition, the minutes from the librarian's meeting with the architects who are doing the feasibility study have not been completed, so I'll also forward those when I receive them.

Although there is a lot of activity regarding the library, it is important to keep in mind that everything is in a very preliminary stage regarding plans for the library. The decision to remodel the present facilities or build a new building will not be decided until after the feasibility study is completed. The plan, at this time, is to gather as many ideas as possible to formulate a plan for the library and the services it offers. At this writing, no decision has been made regarding the search candidates for the Library Dean. As far as funding, I think it is amazing that the students are planning to support their ideas for the library with substantial additional student fees. Additional monies would, no doubt, be raised through the foundation or other sources.

Paula Larsen

The University Senate Library Committee and Its Three Working Groups: Constituency Working Group, New Library Building Working Group, and the Web Redesign Working Group

The charge of the University Senate Library Committee is to formulate policy recommendations for the North Dakota State University Libraries. Due to the challenges facing the NDSU Libraries, the University Senate Library Committee has been structured to include three working groups with three separate and distinct responsibilities:

I. Constituency Working Group

The charge of the Constituency Working Group is to make policy and recommendations that facilitate and improve working relationships between the library and the academic community at North Dakota State University. The goal of this committee is to enhance the visibility and services of the library within the academic community, and to enhance faculty channels of communication with the library.

II. New Library Building Working Group

The charge of the New Library Building Working Group is to envision the possibilities of a new university library, identify the essential elements to be considered in its planning, and articulate the arguments for investment in a new library.

III. Web Redesign Working Group

The charge of the Web Redesign Working Group is to formulate policies to guide the redesign of the NDSU Libraries website from the ground up, and to guide its continuing development. The focus of these policies will be on improving usability and access. The policies will also ensure that the website is adaptable to changes in needs and technology.

University Senate Library Committee Minutes
November 1, 2006

Members: Paul Ode, Kevin Brooks, Joseph Szmerekovsky, Magdy Abdelrahman, Ken Trodgers, Lynette Winters, Sandy Sprafka, Norma Kiser-Larson, Anne Denton, Paula Larsen, Valerie Johnson, Naila Amundson,

Members Present: Magdy Abdelrahman, Najla Amundson, Kevin Brooks, James Council, Anne Denton, Joseph Szmerekovsky

Ex Officio Member: Kathy Enger

Staff member present: John Schulz, Web development and design

Dean Council opened the meeting with introductions. Monthly meetings will be held on the first Wednesday of each month from 1-2 p.m. in the Library Multi-Purpose Room.

New Business

The Library Reorganization

A copy of the organizational chart was distributed to members and the library reorganization was discussed. In the old design, there were a few managers with too many responsibilities. The new organizational chart was designed to provide better services, to increase accountability, and to establish clear performance expectations. Outside forces, such as rapid technological advancements have created a need to change the organizational structure of the NDSU Libraries.

Four new directorships were formed: Director of Public Services; Director of Information Services; Director of Information Technology; Director of Technical Services. Public services encompass the overall delivery of library services, including interlibrary loan, circulation, branch libraries, Annex, and educational services; while Information Resources encompass the content of library service, including subject librarians, reference services, collection development, and federal and state documents. Information Technology addresses electronic library access and involves central organization of all library computer systems. Technical Services involves behind the scenes care of moving materials to the public as soon as possible. The library reorganization will expedite automation processes in technical services, getting materials into the library faster.

The budgeting process was reorganized to account for expenditures in operating expenses and materials budgets. Under this reorganization, the Accounting and Budget Specialist will report directly to the Library Dean. In addition, an advisor position was created to report directly to the Library Dean on policy and strategic planning.

Group Decision Center

Dean Council discussed the results of the meetings at the Group Decision Center. Overall, the results centered on the need for better communication within the library. For more complete information on the library reorganization, please see the attached outline.

Plans for Library Building

The proposal for visioning and planning for architectural services for the North Dakota State University library were reviewed in the letter written to Dr. Council by Meyer, Sherer & Rockcastle, Ltd. The bid for the proposal includes possible renovation and expansion of the existing facility, or construction of a new library facility. The letter outlining the proposal is attached.

Website Development

John Schulz reviewed the proposed changes to the NDSU Libraries homepage. The focus of the changes is on students, faculty, and staff who use the webpage. A webpage to solicit feedback has been established: www.ndsu.edu/library/redesign. John asked the library senate committee members to bring the URL back to their constituents to solicit feedback on change. Usability groups will be formed during each phase of the transformation to get feedback.

Three New Sub-Committees

Three new sub-committees of the University Senate Library Committee were formed: 1. Planning for a New Library Committee. 2. Library Website Redesign Committee. 3. Constituency Committee. The constituency committee has been formed to determine how the library can serve the campus community better and to explore ways to bring the library to the campus and bring the campus into the library. The sub-committees will meet to from their objectives before the next University Senate Library Committee meeting in December and will report to the Senate Library Committee at each meeting.

The meeting was adjourned at 3 p.m.

Respectfully submitted,

Dr. Kathy B. Enger

NDSU LIBRARIAN'S RETREAT – 11/9/06

Minutes – 10 am – 12:30

Jim's opening remarks

- This is a landmark opportunity to be involved in the process of change at the Library
- This is the beginning of a plan for the Library
- Changes at the Library – reorganization already implemented:
 - Budget & Financial Plan – total understanding of where the money is now – kudos to Allisa
 - Management Structure – originally 4 Director, now six with the addition of Michael Miller and John Bye. The structure is important since we now have a **management team** that makes decisions for change in the Library.
 - Front Office – reducing from 3 to 2. Candy S. will be relocating to the IRS/Archives as of November 30th.
 - Senate Library Committee is operational. Jim is Chair of the committee – have had 2 meetings thus far. This will not be a passive committee → active, projects, goals. Since it is a big committee, it has been split into 3 working groups that will meet and report back to the entire committee. The 3 working groups are:
 - Building subcommittee (new library)
 - Web Redesign and Advisory subcommittee
 - Constituency subcommittee (focus on increasing involvement of faculty and students in Library – quality of service)
- Will put Senate Library Committee minutes on Library website
- ODIN – positive work being done. Meeting up at Grand Forks last week and NDSU library personnel will play a more active role to get ODIN to work. NDSU library personnel will have increased access and input

Break-Out Small Group Sessions

Librarians were randomly assigned to small groups to discuss questions related to: 1.) Library Governance; 2.) Collections and Services; and 3.) New Library.

Each discussion session lasted one hour. Each small group discussed one of the questions for 20 minutes. We then reconvened, and a spokesperson for each group reported the group's conclusions. We had an opportunity to discuss the conclusions and generate action items.

At the final session, we wrapped up, finalized our list of action items, and formed working groups based on the action items.

“Action Items” in the sessions are indicated with a ★

Session 1. Library Governance

Question 1.

How can we bring student workers into the decision-making process in the library?

- ★ Student worker orientation manual
- ★ Encourage supervisors to elicit feedback

Survey/exit interviews

Two meetings (mid-September, mid-February), invite all workers

- ★ Student Worker Advisory Council

(additional commentary: Irene A. has student workers manual and exit interview forms)

Session 1. Question 2.

How can librarians play a consistent and continuous role in improving the communication and decision-making processes of the library?

- ★ End of academic year retreat (mid-May, week after finals)
- ★ Monthly meetings – librarians take turns planning meetings – components: informational or educational; problem solving or discussion; Dean updates
- ★ Individual and departmental meetings with Directors and/or Dean

(additional commentary: trust factor – trust has to be established [reestablished])

Session 1. Question 3.

How can the library Directors communicate most effectively with the librarians and staff?

- ★ Minutes/notes and agenda of meetings
- ★ Regular communication → TGIF which should become EOF = Emails On Friday

Over Communicate – for at least now

Dialog & input from librarians – bottom up

(additional commentary: trust factor)

Session 1. Question 4.

How can the Dean and the Provost best serve the NDSU libraries?

- ★ Adequate funding for resources for PhD programs
- ★ Advocate for: new building, staff, librarians
- ★ Continue communications

Consider committees that work well

Open door

Partnering

Visits from Provost/President

(additional commentary: support for professional growth and development; new building- emphasize value of physical facility – current building is 56 years old and additional is 26 years old; partner with related areas; bring all assets together; be an ambassador for us – fight for our needs; continue communicating with staff – weekly & email; be inclusive – nothing is too small – support staff – keep a big picture in mind – get a wide variety of input; continue to look at what kind of governance works: CMCT, CCT, RSCT – emphasize “open door” policy; advocate for increased salaries – especially for librarians; work to increase image of librarians on campus – faculty status)

Session 2. Collections and Services

Question 1.

How should we staff the reference desk? How can reference services be improved?

- ★Set up a daily electronic list (e.g. – EOF type) for what reference staff needs to know – reference staff input information into list directly, discuss all aspects of reference

- ★Reinforce Reference Team & discuss: who, what, why, when, and where; benchmarks of service; how staff is organized and work at desk; reinforce service orientation

Blogs vs. chat for sharing

(additional commentary: must be flexible with each other and schedules; possibility of a FAQ; check software for chat type of communications at reference desk web – maybe set up our own chat server)

Session 2. Question 2.

How can special/archival collections best be supported in the present and future?

- ★Development Foundation to gather donors for special collections

- ★Mandate a records management program

Development Officer for library – perhaps present staff member

New climate controlled facility

Treat all collections/units as one entity

(additional commentary: special/archival collections should be part of the whole Library – not separate; important to have a good facility)

Session 2. Question 3.

How can Technical Services best support Information Services?

- ★Communicate any problems or delays to professional staff

- ★Who to go to for questions – re: gift books, damaged book, semi-processed book ← development of an FAQ?

Get materials out ASAP – increase professional cataloging staff

Tech. Services more involved with operations in library – outside of box – staffing reference desk

(additional commentary: Michele discussed the changes that had recently been approved at the Director's meeting, which are as follows: 1.)Broadening the scope of PromptCat; 2.) modification to physical processing of items; 3.) Application of PromptCat to Baker & Taylor; 4.) Productivity standards for cataloging.)

Session 2. Question 4.

How can the Libraries' Educational Services best support NDSU's instructional needs?

- ★Publicize ourselves better (require it of subject librarians)

- ★Bring up these issues to Senate Library Committee

- ★Develop our own teaching skills

Meet with the School of Education to discuss curriculum

Additional Points

☛ Mark, Kathy E., & Mike R. have volunteered to set-up the first three monthly Librarian meetings. The first one will take place sometime during finals week in December 2006.

☛ Try to get a Librarian membership on the University Senate

☛ Try to have Librarians added to the Faculty listserv.

Notes for November 9, 2006 Librarians' Retreat -- Afternoon Session

Discussion Groups, Continued

- ★ Denotes Action items

Session 3: New Library

Session 3, Question 1: What specific holdings would you like to see in a new library building?

- ★ Everyone participates in planning.
- ★ Space – plenty of room to grow/expand (high-rise?)
- ★ Add new collections and resources, e.g. music
- ★ Collection at the center of the building, studying on the perimeter
- ★ Separate areas for special collections (Germans from Russia, Institute, Government Documents, etc.) and more room for them, possibly everything together
- ★ Power plant of library not on roof
- ★ Windows with shades, UV panes & special lighting

Consider:

- What do you need for your area or department/your job?
- Space designated and designed for teaching/possible separate access.
- Outside storage still may be necessary.
- Design for weight up front with thought for expansion. Include possibility for onsite storage as well.

Session 3, Question 2: What are the shortcomings of our current library facilities?

- ★ More space for stacks, special collections and storage needed
- ★ Leaks/heating/climate/mold, etc. need improvement
- Visitor and guest parking needed
- ★ Current Layout:
 - Noise level in ref/circ/ill/bowling area is high and projects into other areas
 - maybe too many open spaces
 - Centralize scattered offices of librarians
 - Reference area in a better place – possibly close to front doors
 - More attractive and larger meeting room and conference room
 - More carefully planned study rooms – quiet and group
 - Lighting in the stacks needed
 - Men's restrooms are bad

Wish list: Coffee shop would be great

Session 3, Question 3: How would your ideal main library function? What would it look like? Where would it be located?

- ★ Branch libraries pulled in except maybe architecture
- ★ Integrate archives into main building (possibly with separate entrance/ climate control) – develop a department of special collections
Reception/exhibit area to have formal groups and other cultural activities (to bring in funding and/or people). Good parking.
Information commons
- ★ Central location on campus – maybe where physical plant is now – needs to be a focal point
- ★ High-tech classroom
Subject librarians together in one area (offices, possibly reference desk and including a meeting space)

Other notes:

- Exciting space with light and windows – inviting – a showplace
- Pull together ideas from American Libraries and architects to get ideas.

Session 3, Question 4: What do we need in a downtown library?

Think beyond architecture – maybe also business, art?

- ★ Basics:
 - Adequate space
 - Structurally sound
 - Not in basement
 - Not a smaller space
- ★ Partner appropriately
 - Plains Art Museum
 - FPL (we would need to move quickly in order to work into their new plan)

Separate libraries

Staffing issues

Extras:

- RFID's and card key access
- Engineering needs study space

Themes for today centered around:

- Communication with the staff, campus and community
- New facility
- Funding
- Service

We have a lot of work to do. We need to follow up and continue the process of setting priorities.

Action List:

- ✓ Continue meetings with librarians
 - Meetings should include 3 components:
 - information
 - education
 - problem solving or discussion (where do we need to volunteer)
 - Bring in C. Schnell for future meeting
 - One per month
 - KE, MR, and ME to get us started for December-February
- ✓ Start on EOF- Jeremy
- ✓ New building issues moving forward - Jim
- ✓ Possible forward movement of records management mandate - Jim
- ✓ Facilitate communications with the campus – University Senate, etc. – Jim
- ✓ RSCT & reference issues – Mark
 - Librarian's Meeting with the Meyer, Scherer & Rockcastle, Ltd., .Architect Jack Poling

December 19, 2006
1-3 p.m. Reimer's Room, Alumni Center
Notes from the Meeting

The librarians met with Jack Poling, an architect with Meyer, Scherer & Rockcastle (MS&R) architectural firm to learn about the steps that are being taken by the firm toward the building of a new library on the campus of North Dakota State University. The material in this document is notes from that meeting.

The Fargo Public Library has contracted with MS&R for a new library building. Hallet Brothers are moving the materials for the library.

Meyer, Scherer & Rockcastle, Ltd. works with clients to get their projects funded and also includes site selection and fundraising. The company identifies possibilities: what is wanted, how much it costs, and how to get it funded. The company examines the collections and where they are expected to grow. MS&R primarily works in three phases: I. Document proposal. (The NDSU Libraries has funded \$9,500 to begin and complete this phase by Spring 2007. II. Conceptual drawings. III. Report. If the NDSU Libraries moves beyond stage I, a bid will be placed for proposed architectural firms.

MS&R will determine for NDSU Libraries: What should go in a new library building, what would be needed in a new building; How would our needs be met with the existing building?

- Identify Needs
- Possibilities
- Funding with needs/possibilities for existing building or new building
- Address a feasible way to meet those needs.

MS&R will look at the current building, the campus, the collection, and possible building sites.

We need to dream about what a new library would look like, but we're at the very preliminary stages. What will be the approach to getting the new library funded? Jack Poling has been through the existing facility, and strongly recommends the need on the NDSU campus for a new library.

Students may possibly assess a fee or increase tuition to build a new library, but no deadline has been set for student funding of a new library.

There are three fundamental ways to fund a new library building:

1. Students.
2. Legislature.
3. Private funding.

It is estimated that a new library would cost \$300/square foot in today's dollars. The current collection requires approximately 125,000 square feet.

The architect noted that the current building is large, 100,000 square feet, but it doesn't feel like you are walking into a 100,000 square foot building. Jack Poling noted the importance of "presence" in a building.

The library needs to determine how many square feet are needed to house its various collections -- also, for seating. We currently have approximately 12,000 students, will we eventually have 18,000 students. Must plan for growth in student population, as well as a growth in special collections. There is currently no Master Plan for growth on campus.

Jack Poling discussed what is important in an academic library:

- "Student gathering place."
- A sense of place.
- The library creates the heart of campus.
- Middle of campus.
- Building stands out.
- Layout is clear -- where to go for help.
- Reading rooms.
- Tucked away places.
- Lots of places to sit.
- Central location.

Jack Poling examined the campus map as the group discussed the location of the new library building.

The five buildings on the National Register of Historic Places include, 1. Old Main. 2. South Engineering. 3. Minard. 4. Ceres. 5. Putnam. The flax plot is also a registered historic place.

The growth areas on campus are to the Northwest. Jack Poling looked to somewhere in the middle of campus to construct a new library building, possibly in the area across from IACC, where Sheppard Arena is now located, at the intersection of Albrecht Boulevard and Centennial Avenue. The current facilities at Sheppard Arena could move to the new Equine Center. The library should represent the academic heart of the campus. There is a public parking lot near the Sheppard Arena location. Parking is an important component to consider in building a new library. A skyway connecting the new library to IACC would be possible at this particular location. The area west of 18th Avenue was considered for the new business building, but ruled out because of the high density of traffic in 18th Avenue and the need for pedestrian foot traffic crossing 18th. While many students live in the dorms on the Northwest side of campus, many commute from apartment buildings in West Fargo.

The campus currently needs more classroom and office space. The current library building would be a functional redesign for a Learning Center on campus due to its proximity to Minard (where many classes take place), and due to the fact that the construction is modular, and designed with support pillars throughout the building so walls may be easily added and removed. Classroom space for 100-125 students a class up to 300 students is currently needed. There is a

shortage of large classroom space on campus and there is never enough electronic classrooms. There are few state of the art classrooms, technologically speaking.

The current visitor's parking lot on Centennial and Albrecht is used mostly by faculty, staff, and students (79% of users). Parking is important to consider in a new library building, as is proximity to heating (central campus steam), and the storm sewer. The current fiber optic system runs through the steam tunnels on campus. In regard to parking, the new library building would also be a community meeting space.

Attachment 2

POLICY CHANGE COVER SHEET

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

Section 101 – Personnel Definitions

Language changes made in section 2.2 to make it more clear when to use the seventeen and one-half rule and when to use twenty-week rule regarding temporary status.

Additionally, changes were made repealing section 2.2.2, based on NDUS Human Resource policy, subsection 2.4. The board felt that the policy is confusing because it does not include guidelines concerning how prior credit is determined, or whether it should be tied to number of hours worked, in addition to number of years and months of temporary employment. This resulted in different interpretations among the campus. Further, because temporary employees are not entitled to leave accrual, some HR officers question whether a provision granting entitlement to service credit made sense. HRC Council voted to recommend repeal of section 2.4. Chancellor's cabinet considered and concurred.

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

Policy Coordination Committee – 6/27/06; 9/22/06; 12/20/06
President's Council – 8/28/06

University Senate – 8/14/06
Staff Senate – 8/14/06

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

Office of Human Resources

SECTION 101: PERSONNEL DEFINITIONS

SOURCE:

SBHE Policy Manual, Sections 605.1 and 606.1

NDUS Human Resource Policy Manual

NDSU President

CLASSIFICATION STATUS

1.1

Staff Employee

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

1.2

Non-Banded Employee

1.2.1

Academic Staff

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

1.2.2

Other Non-Banded

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

EMPLOYMENT STATUS

2.1

Regular Employee

A staff employee, who satisfactorily completes a probationary period, or
a
non-banded employee, who is employed at least seventeen and one-half
hours
per week if hired before August 1, 2003 or twenty hours per week if hired
on
or after August 1, 2003, and at least twenty weeks each year.

2.1.1

Full-Time Employee

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

2.1.2

Part-time Employee

A person employed on a regular basis for less than 40 hours per week.
A part-time lecturer is generally considered to be a regular employee
if
she/he teaches 6 or more credits for two or more consecutive
semesters

are in the same department. Credits taught through Continuing Education are not applicable for purposes of this definition.

2.2

Temporary Employee

A person employed in a position of intermittent or limited duration not to exceed one year, a seasonal position, or in a position working less than seventeen and one-half hours per week, or less than five months per year, if hired before August 1, 2003, or twenty hours per week ~~or less than five months per year~~ or less than 20 weeks per year if hired on or after August 1, 2003 (this includes graduate assistants and student employees whose employment is incidental to their student status).

2.2.1

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

~~2.2.2~~

~~When a temporary employee (excluding graduate assistants and student employees) is changed to regular status, credit will be given for the employee's prior length of service for the purpose of determining annual leave accrual rates.~~

OVERTIME ELIGIBILITY STATUS

3.1

Nonexempt Employee

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

3.2

Exempt Employee

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

HISTORY: July 1990; Amended April 1996; August 1997; August 1998; July 1999; December 1999; December 2000; February 2001, October 2001, April 2005.

POLICY CHANGE COVER SHEET

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

SECTION 143: SICK/DEPENDENT LEAVE

A request was made by Staff Senate Executive Committee to give clarification to section 10.4 of this policy. They felt it would be helpful to explain what type of leave is available once the 40 hours of sick leave for dependent care has been exhausted.

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

Policy Coordination Committee – 12/20/06

President's Council -

University Senate -

Staff Senate -

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

Office of Human Resources/Payroll

SECTION 143: SICK/DEPENDENT LEAVE

SOURCE: SBHE Human Resource Policy Manual

1. Sick leave is a benefit granted by the University to eligible employees and is not a benefit considered to be earned by the employee such as annual leave. It is an insurance benefit allowing employees to build a reserve of days they can use for their extended illnesses. Abuse of this benefit may be grounds for disciplinary action or termination. Employees are responsible for informing their supervisors prior to the start of their work schedule of their sickness.

1.1

The employing department may require satisfactory medical verification as deemed necessary by the department head prior to the payment of sick leave.

1.2

The employee is responsible for furnishing their supervisor or department head with a completed "Notification of Employee Leave" card upon returning to work.

2. Sick leave is granted on the basis of continuous service from date of employment for benefited staff employees, and benefited 12-month academic staff and other non-banded staff. Sick leave for full-time eligible employees accrues based on rate per hour at a rate equivalent to 12 days per year.

3. Sick leave for eligible part-time employees working 20 hours or more per week is granted on a prorated basis. Sick leave accumulation is unlimited.

4. Sick leave may be granted to employees who become ill while on vacation provided satisfactory medical proof of such illness is submitted.

5. When a holiday occurs during a paid sick leave, the holiday is not considered a day of sick leave.

6. Upon termination, employees with ten years of continuous state service will receive a payment equivalent to 10% of the dollar value of their accrued sick leave. The amount is computed on the basis of the employee's salary at the time of termination and shall be in the form of a lump-sum payment.

7. At the discretion of the department head and the concurrence of the Director of Human Resources/Payroll, an employee may be granted sick leave in advance of the accumulation thereof. Any sick leave taken in advance of accumulation shall be deducted from the employee's last paycheck.

8. *Unless an approved leave of absence has been granted, an employee who is off the payroll for one year shall lose unused sick leave.*
9. *Accrued sick leave is transferable from any state agency to the employing institution if employment with the institution occurs within one calendar year of separation of service with the state agency. In the event of a Reduction in Force, sick leave is transferable if reemployment occurs within two calendar years.*
10. *Sick leave may be used by the employee when:*
 - 10.1 *The employee is ill or injured and is unable to work.*
 - 10.2 *The employee has an appointment for the diagnosis or treatment of a medically related condition.*
 - 10.3 *The employee wishes to attend to the needs of an eligible family member who is ill or to assist them in obtaining other services related to their health or well-being. Eligible family members include the employee's spouse, parent(natural, adoptive, foster, and step-parent); child (natural, adoptive, foster, and step-child); or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.*
 - 10.4 *Sick leave used for the purposes described in 10.3 shall not exceed forty (40) hours per calendar year. Once the forty (40) hours have been exhausted, the employee must then use annual leave for situations outlined in 10.3.*
11. *The accrual of sick leave shall be prorated for the pay period in which employment begins or ends.*
12. *Sick leave is not accrued during developmental leaves or leaves of absence without pay.*
13. *Accumulated sick leave may be used for any period(s) of actual disability caused or contributed to by pregnancy. Beyond the period of disability, an employee may request use of annual leave, family leave, and/or leave without pay to provide for an extended post-delivery period away from work.*
14. *"Notification of Employee Leave" cards are processed on an on-going basis. Each department is responsible for verifying the Departmental Leave Report. Late leave cards and errors must be submitted to the Office of Human Resources/Payroll for entry and/or corrections.*

HISTORY: July 1990; Amended April 1992; July 1997, April 2002, January 2004;
November 2005

POLICY CHANGE COVER SHEET

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

Section 148: Payroll Deduction Services (Insurance)

The removal of the word “insurance” in the title is to help clarify that these deductions are just that, and not a form of insurance. The changes to #6 reflect the change in administrators of Provident Dental, as well as the criteria that no longer is in effect. #8 & #9 are deductions that are currently available, but were not indicated anywhere within the policy manual.

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

Policy Coordination Committee – 12/20/2006

University Senate -

Staff Senate -

President=s Council -

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

Office of HR/Payroll

SECTION 148: PAYROLL DEDUCTION SERVICES ~~(INSURANCE)~~

SOURCE: NDSU President

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

Applications must be made within the first 60 days of employment in order for the employee's basic coverage to be obtained without health questions. Spouse and dependent insurance will require the medical questions to be answered and approval through ReliaStar.

3. **Accident Insurance (Reliance Standard Life Insurance Co.)**
An optional group accidental death and dismemberment program is available to all employees with a minimum coverage of \$10,000 and additional increments of \$5,000 to a maximum of \$300,000 coverage. Family coverage is also available.
4. **Cancer Indemnity Insurance (AFLAC-American Family Life Assurance Co. of Columbus)**
This optional supplemental health insurance plan provides for benefits when hospitalized for definitive cancer treatment. This includes both inpatient and outpatient services. The benefits are paid directly to the insured to assist with out-of-pocket expenses.
5. **Hospital Intensive Care Insurance (AFLAC-American Family Life Assurance Co. of Columbus)**
An optional insurance plan which provides benefits for confinement in a hospital intensive care unit. The benefits are paid directly to the insured to assist with out-of-pocket expenses.
6. **ProviDent Dental Plan** (~~closed to new hires; currently enrolled participants only~~) (Total Dental Administrators, Inc.)
This optional dental maintenance program is available at the employee's expense. The plan requires the choice of a participating dentist in

the

~~program. Therefore, enrollment is contingent on the availability of participating dentists. The plan covers bitewing X rays and an annual cleaning at no cost beyond the monthly subscriber's fee. Other~~

~~treatments, including office visits and oral exams, involve co-payments.~~

7. Group Long-Term Care Insurance (CNA Insurance Company)
An optional insurance plan to cover specific expenses for home health care, community-based services, and/or nursing home care. New employees and their spouses may enroll within 30 days of employment. Rates are determined by age at time of enrollment. Premiums are paid through payroll deduction.
8. UnumProvident Longer Term Care Insurance
An optional insurance plan to cover specific expenses for home health care, community-based services, and/or nursing home care. Anytime enrollment, however, during first 30 days of employment, there is no medical underwriting for policies under \$6000. Rates are determined by age at time of enrollment.
9. Savings Bonds
EE or I bonds can be purchased using payroll deduction.

HISTORY: July 1, 1990; Amended April 1992; January 1995; April 1996; August 1996; May 1997; December 1999; October 2000; November 2000; June 2001, March 2002; November 2005.

POLICY CHANGE COVER SHEET

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

**Sections: 169: Employee Responsibility and Activities: Theft and Fraud; and
169.1: Employee Misuse of Property Reports - Protections**

At its September 21, 2006, meeting, the State Board of Higher Education approved a new policy (611.10) which outlines employee responsibilities regarding theft and fraud. The Office of State Auditor recommended the University System review its procedures, policies, and practices and provide a minimum level of assurance that the University System personnel are required to review and report any potential or actual fraud.

This new policy will be NDSU's Policy 169. NDSU's current Policy 169 has been renumbered to 169.1 as a subset to the new Policy 169 (SBHE Policy 611.10).

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

Policy Coordination Committee - 12/20/06
University Senate –
Staff Senate –
President's Council –

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 169: EMPLOYEE RESPONSIBILITY AND ACTIVITIES: THEFT AND FRAUD

SOURCE: SBHE Policy Manual, Section 611.10

1. Each employee, as a basic condition of employment, assumes responsibility for safeguarding and preserving the assets and resources of the state and university system and its institutions, particularly those for which the employee is responsible.
2. Each institution and the system office shall develop and implement controls designed to minimize opportunities for theft, fraud or unlawful or improper use of public resources, including funds, supplies and property. The controls must include a process for reporting of suspected theft, fraud or unlawful or improper use of public resources, designation of an officer with responsibility for receiving and investigating such reports, a process for investigation, audit or referral to law enforcement officials if there is reasonable basis to suspect theft, fraud, or unlawful or improper use of public resources and a report summarizing findings, disposition and, if appropriate, recommendations for additional controls to prevent recurrence.
3. Each employee is expected to report suspected theft, fraud or unlawful or improper use of public resources to a supervisor, department head, chief fiscal officer or other institution or system officer designated with responsibility for receiving and investigating such reports.
4. An employee found to have engaged in theft, fraud or unlawful or improper use of public resources, or an employee with knowledge of such acts by another who unreasonably fails to report such information as required by this policy, is subject to discipline, up to and including dismissal.
5. As used in this policy, "theft, fraud or unlawful or improper use of public funds or property" includes:
 - a. stealing, larceny or embezzlement;
 - b. making or altering documents or files with the intent to defraud;
 - c. purposely inaccurate accounting or financial reporting at any level;
 - d. fraudulent conversion or misappropriation of public resources, including funds, supplies or other property;
 - e. improper handling or reporting of financial transactions;
 - f. authorizing or receiving compensation for goods not received, services not performed or hours not worked, including payment or receipt of a bribe, kickback or other unlawful or unauthorized payment.

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

SECTION 169.1: EMPLOYEE MISUSE OF PROPERTY REPORTS - PROTECTIONS

SOURCE: NDSU President

1. State law protects an employee from negative job reprisals for, in good faith, reporting violations of law or misuse of public resources. N.D.C.C. 34-11.1-04. An employee can report such violations, without fear of reprisal, to the President, Directors of Human Resources/Payroll or Internal Audit, the employee's supervisor, to any other appropriate personnel at the University, to the local state's attorney, or to any employee organization.
2. A supervisor or other appropriate University employee who receives a report of violations of law or misuse of public resources must take action on such reports. He/she is responsible for referring the issue to the department head or appropriate Vice President for follow-up. The determination made by the department head or Vice President as to the accuracy of the report of the violation of law or misuse of public property, and any subsequent disciplinary action taken, will be documented.
3. Employees who make such reports cannot be dismissed from employment, have salary increases or employment-related benefits withheld, be transferred or reassigned, be denied a promotion which they otherwise would have received, be demoted, or be discriminated against in any other term or condition of employment on the basis that they made such report. However, an employee who intentionally furnishes false information is subject to disciplinary action, including suspension or dismissal.
4. It is the policy of NDSU to encourage employees to come forward with such reports of misuse and to attempt to see that they are resolved initially with their supervisor or other appropriate personnel at the University.

HISTORY: November 1, 1999, October, 2001.

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<<file:///S%7C/SHARED/BUDGET/Web/Previous%20Files/index.html>>

Aubrey Ketterling <mailto:NDSU.Policy.Manual@ndsu.edu>
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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

326: Academic Misconduct

The policy is being rewritten to streamline the complaint and hearing process and who is subject to that process.

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

Policy Coordination Committee - 12/20/06

Staff Senate -

University Senate –

President's Council -

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

Provost and Vice President for Academic Affairs

SECTION 326: ACADEMIC MISCONDUCT

SOURCE: NDSU President & NDSU University Senate Policy

1. PHILOSOPHY & PURPOSE

- 1.1 North Dakota State University is committed to upholding the highest standards of integrity of its endeavors in the pursuit of academic activities including research, instruction, and service. The University will promote an open and honest atmosphere in reviewing and reporting possible academic misconduct.
- 1.2 Scholarly inquiry creates the expectation for strict integrity in its pursuit. Integrity is defined to mean that the results reported are honest and accurate and in keeping with generally accepted research practices of the discipline.¹ Because misconduct in scholarly inquiry, including the improper expenditure of funds, threatens the confidence in the academic endeavor, it is the responsibility of the University to foster an academic environment that discourages misconduct in all endeavors of scholarly activity and to develop policies and procedures to deal forthrightly with possible misconduct associated with scholarly activity.
- 1.3 These policies and procedures deal with academic misconduct and define a process to report, review, investigate, and resolve, allegations of academic misconduct. They are directed toward governing behaviors to maintain integrity in the pursuit of scholarly, academic activities, and they are consistent with the principle of self-regulation in maintaining integrity in scholarly inquiry.²

2. APPLICABILITY

- 2.1 These policies are applicable to all persons employed at NDSU and associated with NDSU through academic activities. This would include, but is not limited to faculty, adjunct faculty, research professors, lecturers, collaborators, staff, technicians, post-doctoral fellows, graduate, and undergraduate students, and volunteer assistants. However, allegations against graduate and undergraduate students will be handled under NDSU Policy 335: Code of Academic Responsibility and Conduct. [It seems that 335 is designed for misconduct in a course, whereas this policy is more directed to research. I'm wondering if we should only apply 335 where the misconduct is course related, and if not, then apply this Policy? RDJ]
- 2.2 While this policy deals with internal allegations, any NDSU employee wanting to charge misconduct against an individual(s) outside the University must have

discussed the allegations with the Department Chair, Dean, and Provost before proceeding with such allegations.

3. DEFINITIONS

- 3.1 **Academic or scientific misconduct** shall mean fabrication, falsification, plagiarism, misrepresentation of sources, breach of confidentiality, or other practices, including fiscal impropriety, that seriously deviate from those that are commonly accepted within the scientific discipline for proposing, for conducting, or reporting research; or material failure to comply with a sponsor's requirements that uniquely relate to the conduct of the research. It does not include honest error, or honest differences in interpretations or judgments of data.
- 3.2 **Allegations** shall mean any written or oral accusation by any University official or other Complainant, from inside or outside of NDSU, of possible misconduct that is forwarded to the Office of the Provost/Vice President for Academic Affairs
- 3.3 **Complainant** means any person who makes a formal allegation of research or scholarly misconduct under this Policy.
- 3.4 **Fabrication** is making up data or results and recording or reporting them.
- 3.5 **Falsification** is manipulation of research materials, equipment, processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- 3.6 **Inquiry** shall mean informal information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- 3.7 **Investigation** shall mean the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.
- 3.8 **Plagiarism** shall mean taking over ideas, methods, or written words of another without acknowledgment of and with the intention that they be credited as the work of the deceiver. Different academic disciplines may have their own separate definition which may add additional elements that need to be taken into consideration in an allegation of plagiarism.
- 3.9 **Respondent** shall refer to the accused or the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.
- 3.10 **Scholarly inquiry, creative activity, and research** shall be considered synonymous terms.

4. PRINCIPLES

- 4.1 Due to the wide variety of endeavors of scholarly activity, no one set of guidelines can cover all situations. Also, because of the seriousness of the nature of this subject, several basic principles must be used to guide the processes.
- 4.2 Allegation(s) must receive immediate, appropriate, thorough, and impartial consideration.
- 4.3 The Complainant who in good faith reports apparent academic misconduct shall be protected from recrimination. Good faith allegations are those that are made with the honest belief in the truth of the allegation based on the information the Complainant had reasonable access to at the time of the allegation.
- 4.4 The Respondent, Complainant, and committee members must be afforded confidential treatment during the entire process to the extent reasonably possible. Disclosure of the charges and evidence under this policy will be made only as specified in the regulations of the sponsoring agency or as required by the North Dakota Open Records Act. Any violation of this rule is also considered a matter for disciplinary action. Further, the Respondent must be afforded confidential treatment to the extent reasonably possible while being given an opportunity to respond to the allegations and provide a defense during the Inquiry or Investigation phases.
- 4.5 From receipt of the initial allegation to the completion of the investigation, every effort will be made to obtain and secure evidence that will be directly applicable to the case. All evidence must be carefully weighed to determine whether an allegation has been made in good faith or malice.
- 4.6 In order to determine misconduct, NDSU must find (1) that there was a significant departure from accepted practices of the relevant academic or professional community; (2) it was committed intentionally, knowingly, or recklessly; and (3) the allegation must be proven beyond a preponderance of the evidence.
- 4.7 If allegations of apparent academic misconduct are shown to be unfounded and have been made with the malicious intent of destroying a career and reputation, the evidence of this fabrication is to be presented to the Provost/Vice President for Academic Affairs or, if the Complainant is a student, the Vice President for Student Affairs or Graduate Dean for appropriate examination and possible disciplinary action.
 - 4.7.1. Malicious allegations to harm or harass other individuals will not be tolerated
by the University, nor will retaliation against the Respondent, Complainant, or inquiry or investigative committee members. Further actions against Complainants who have acted in bad faith may be taken under NDSU policies that apply to employment and termination

procedures. Actions that may be taken by NDSU could include, but are not limited to, termination of employment or expulsion.

- 4.8 Any University action imposing sanctions must comply with the procedural requirements of the applicable personnel or student policies (see Policies 220, 335, 350.3, or 601).

5. ACADEMIC MISCONDUCT PROCEDURES

In dealing with academic misconduct allegations, NDSU will follow a three phase process: (1) Phase I - receipt of the allegation; (2) Phase II - an immediate inquiry of the allegation; and (3) Phase III – if warranted, an investigation of the allegation which may lead, where applicable, to recommendations for appropriate sanctions and reporting. Actual sanctions and appeals will be considered separately and will be handled through other administrative processes.

6. PHASE I: RECEIPT OF ALLEGATION

- 6.1 Initially, the Complainant should report the allegation and provide evidence to the university official who is the immediate supervisor of the Respondent. The person receiving the allegation is hereafter referred to as the receiver of the allegation.
- 6.1.1 Any National or Federal agency involved could also be notified [Seems to imply only the Provost can do this, which isn't the case. RDJ]. Most agencies will not investigate initially and will allow NDSU to proceed as the primary investigating body. The funding agency will review the submitted reports to determine if further actions need to be taken. Federal agencies expect each institution to handle these proceedings and will only take charge if there is an immediate need to handle the case themselves.
- 6.2 Upon receipt of an allegation, the receiver of the allegation must immediately inform the Provost/Vice President for Academic Affairs (or specified designee) formally, in writing of the nature of the allegation. The Provost will inform the President.
- 6.3 Allegations of academic misconduct by a Complainant (other than the University acting through its administration) must normally be received within six years from the time when alleged academic misconduct occurred. Other exceptions include: (1) the Respondent continues or renews any incident of alleged research misconduct that occurred outside the six-year limit through the citation, republication or other use for the potential benefit of the Respondent of the research record that is the subject of the allegation; (2) NDSU, following consultation with appropriate agencies,

determines that the alleged misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public; or (3) there is an allegation of fraud which prevented the discovery of the alleged misconduct. Allegations older than six years will normally not be accepted.

7. PHASE II: INQUIRY

- 7.1 Upon receipt of an allegation, the Provost will prepare a statement of allegation which identifies the Complainant, and notifies the Respondent, the appropriate department chair(s), and academic dean(s) of the allegation with available evidence.
- 7.2 The Respondent and Complainant will be offered initial consultation at the time of the receipt of the allegation to assist all parties in understanding the extent of this policy on procedures, and the potential and real consequences.
- 7.3 The Provost shall appoint an inquiry committee of three persons consisting of non-administrative, tenured faculty with the rank of professor (emeritus and emerita professors are eligible). Members of the committee may be external to the University and non-faculty members may be appointed if a specific case warrants their inclusion to review the allegation(s).
 - 7.3.1 The inquiry committee will determine if there is sufficient basis to conduct an investigation based on whether (1) the allegation falls within the definition of academic misconduct as defined above; (2) the allegation is sufficiently credible; and (3) the allegation is specific enough so that potential evidence of academic misconduct may be identified. “Sufficient basis” means that there is enough evidence that could be adequate to establish a violation if proven.
 - 7.3.2 Interviews must be conducted with both the Respondent and the Complainant and any other persons who may have information relevant to the allegation and purpose of the inquiry. The Complainant and the Respondent must comply with appropriate requests by the inquiry committee for documents and other relevant evidence.
 - 7.3.3 The committee may seek an opinion by a recognized authority in the Respondent’s field.
 - 7.3.4 Upon completion of the inquiry, the committee will prepare a report which shall include: (1) the name and position of the Respondent(s); (2) a description of the allegation of misconduct; (3) list of persons interviewed; (4) a summary of the evidence; (5) the conclusions of the inquiry; (6) a rationale for the recommendation that the alleged misconduct did or did not warrant an investigation; and (7) any comments by the Complainant and Respondent).

- 7.4 The Complainant and Respondent shall be given a complete copy of the report. Each will be given 10 working days to respond to the report and their comments will become part of the record.
- 7.5 The inquiry report will be completed and submitted to the Office of the Provost within 60 calendar days from the receipt of the initial allegation, unless circumstances which can be documented indicate reasons for exceeding this 60 day period.
- 7.6 If it is determined that there is no basis to conduct an investigation, a copy of the inquiry report shall be maintained for a period of seven years in the Office of the Provost/Vice President for Academic Affairs. This is to permit a later, independent assessment of the reasons for determining that an investigation was not warranted should this be requested by an appropriate agency.
- 7.7 Seven years after the completion of the inquiry, all documentation shall be destroyed.
- 7.8 If, at any time, the documentation is requested by any party, the Respondent shall be notified.
- 7.9 All work of those involved should, to the extent possible, remain confidential. Breaches of confidentiality may be subject to appropriate sanctions.
- 7.10 The Complainant can appeal a decision not to conduct an inquiry to the Committee on Academic Integrity within five (5) working days of receiving notice that an inquiry is not warranted.

8. PHASE III: INVESTIGATION

- 8.1 If the findings from the inquiry provide sufficient basis for conducting an investigation, the investigation must be initiated within a thirty (calendar) day period after written notification to the Respondent. On or before the initiation of the investigation, NDSU will notify all applicable agencies.
- 8.2 The investigation will be conducted by the standing committee of the University Senate, the Committee on Academic Integrity
http://www.ndsu.edu/ndsu/deott/univ_senate/constitution.pdf.
- 8.3 The Provost shall forward the inquiry report to the Committee on Academic Integrity (Investigation Committee) which shall investigate the allegations.
- 8.4 The Investigation Committee shall comply with the following guidelines:
 - 8.4.1 Respondent must be notified in writing that an investigation is being conducted, must be interviewed by the Investigation Committee, and has the right to call any witnesses or produce any evidence in defense. In

addition, the Respondent has the right to have an attorney accompany him/her/them to the interview. If an attorney for the Respondent is present, the Investigation Committee may request that the University provide legal counsel to assist it as well.

- 8.4.2 The Investigation Committee may request any evidence considered necessary to conduct a complete investigation of the allegation. Whenever possible, interviews should be conducted of all individuals involved including the Respondent and the Complainant as well as other individuals who might have information regarding key aspects of the allegations. Because of the possible specialized nature of the evidence to be investigated, the Committee may seek advice from experts within or from outside the University. Complete summaries of these interviews should be prepared and provided to the interviewed person(s) for comment and shall be included as part of the investigation file and furnished to the Respondent.
- 8.4.3 The Investigation Committee will deliberate and reach its conclusions and write its final report in executive session. Further, the Investigation Committee must prepare and maintain all documentation to substantiate its findings.
- 8.4.4 The investigation by the Investigation Committee is to remain confidential unless disclosure is required by the North Dakota Open Records Act or by the sponsor's guidelines.
- 8.5 If it is determined that the allegations of misconduct are groundless, a report with supporting documentation shall be forwarded to the Office of the Provost to be retained appropriately for a period of seven years.
- 8.6 If the allegations are substantiated by a preponderance of the evidence, the Investigation Committee shall forward the report to the Provost/Vice President for Academic Affairs and the President with recommendations for appropriate disciplinary action (sanctions).
- 8.7 The Respondent and Complainant shall be given a complete copy of the report. Each will be given ten (10) calendar days to respond to the report and their comments will become part of the record.
- 8.8 All persons and agencies involved in the investigation shall be notified of the conclusion. A copy of all documents shall be furnished to the Respondent and the Complainant. If the documents are requested by any party, the Respondent shall be notified.
- 8.9 In the case of a federal grant, a final report (in substantial compliance with 42 CFR §93.313) prepared by the Provost describing policies and procedures under which the investigation was conducted, the nature of the allegations, how

information was obtained, all persons interviewed with text or summary of interviews, the findings, the basis for the final decision, and a description of disciplinary action taken by the institution, must be sent to the appropriate agency.³

- 8.10 It shall be the responsibility of the Provost to communicate the results of the investigation to collaborators, journals, publishers, professional societies, and sponsoring agencies with whom the accused has had professional contact.
- 8.11 The investigation should ordinarily be completed within 120 calendar days of its initiation. If it cannot be completed within that time, then documentation for the reasons for exceeding this period must be made available in the report.

9. SPECIAL REPORTING REQUIREMENTS

- 9.1 Normally, the inquiry or investigation will be conducted in such a manner as to protect the privacy/confidentiality of all involved.
- 9.2 However, if at any stage of the inquiry or investigation, any of the following conditions exist, there must be immediate notification to the sponsoring agency or other affected parties:
 - 9.2.1 there is an immediate health safety risk or immediate need to protect human or animal subjects;
 - 9.2.2 research activities should be suspended;
 - 9.2.3 there is an immediate need to protect agency funds or equipment;
 - 9.2.4 there is an immediate need to protect the interests of the person(s) making the allegation or the individuals who are subject to the allegations as well as his/her co-investigators and associates;
 - 9.2.5 it is probable that the alleged incident is going to be reported publicly;
 - 9.2.6 there is reasonable indication of possible criminal violation. In this instance, the institution must inform the appropriate sponsoring agency, if necessary, within 24 hours of obtaining that information; or
 - 9.2.7 there is a reasonable belief that the research community or public should be informed.

10. SANCTIONS

- 10.1 NDSU administration may implement specific sanctions congruent with the misconduct.
- 10.2 Sanctions resulting from academic misconduct may include, but are not limited to, termination of employment or student status, termination of current research activity, special prior review of future research activities, written reprimand,

probation for a specific period of time, and/or suspension of rights and responsibilities.

- 10.3 In cases of students, recommendations for sanction or disciplinary actions will be forwarded to the VP for Student Affairs or the Graduate Dean to determine appropriate administration of any sanctions.
- 10.4 In deciding what final actions are appropriate when misconduct is found, NDSU officials should consider:
 - 10.4.1 the seriousness of the misconduct;
 - 10.4.2 the degree to which the misconduct was knowing, intentional, or reckless;
 - 10.4.3 whether the misconduct was an isolated event or part of a pattern of behavior;
 - 10.4.4 whether it had a significant impact on the research record, research subjects, other researchers, institutions, or the public welfare; and
 - 10.4.5 other relevant circumstances.

11. APPEALS

- 11.1 Appeals of the Committee on Academic Integrity finding of misconduct will be handled through federal agencies of oversight where applicable or through NDSU's President's Office.
- 11.2 NDSU appeals must be made directly in writing to the President of NDSU within 30 days of the notice of determination by the Committee on Academic Integrity.
- 11.3 Review of the appeal is by the President. The President has the option to appoint a technical review committee for advice.
- 11.4 NDSU may suspend an internal appeal until further determination by the agencies.
- 11.5 NDSU appeals will be restricted to the evidence presented and will be limited to the University's failure to follow published procedures or arbitrary or capricious decision making.
- 11.6 Upon review of the appeal, the determination made by the President of the University is final.
- 11.7 Grievances and appeals to sanctions and disciplinary actions will be handled accordingly to the applicable policies. Faculty (policy 157, 305.3, 353); Staff/employee (policy 157, 230, 231); and Students (policy 601 and 335).

¹ The Responsible Conduct of Research in Health Sciences, Institute of Medicine, National Research Council, (1989). [Pierre is checking for something more recent.RDJ]

² See Office of Science and Technology's Research Misconduct Policy (2000)
http://www.ostp.gov/html/001207_3.html In addition, these policies and procedures are necessary since the federal government requires that each entity applying for research grants or agreements under the Public Health Service must establish explicit, uniform policies and procedures for investigating and reporting instances of alleged or apparent misconduct involving research activities that are supported with funds made available under the Public Health Service Act. The appropriate acts providing authority are: 42 CFR Part 50, Section 493, Public Health Service Act, as amended, 99 Stat. 874-875, (42 u.s.c. 289b); Section 501(f), Public Health Service Act, as amended, 102 Stat. 4213(42 u.s.c. 290aa(f)).

³ For example, the Office of Research Integrity (ORI), in the Office of the Director of the National Institutes of Health.

HISTORY: May 14, 1990; Amended April 1992; June 1995, December 2002, October 2003.

POLICY CHANGE COVER SHEET

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

Section

335: Code of Academic Responsibility and Conduct

Language has been added to clarify the definition of “substantial evidence” as used in subsection 2.a.

A change is made in section 2.b. to manage the situations in which a student would simply withdraw from a course to avoid an academic misconduct issue being raised against him/her. In order for the student to drop the course in question, permission from the instructor would be required.

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

Policy Coordination Committee - 12/20/06

Staff Senate -

University Senate -

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

General Counsel (2.a.)

Provost and Vice President for Academic Affairs (2.b.)

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) ~~for~~ ~~informing~~ the student or students involved of their suspicion and the grounds; ~~thereof, of~~ 2) ~~allowing~~ a fair opportunity to ~~refute them~~ respond; and 3) ~~of~~ make ~~ing an impartial~~ a fair judgment as to whether or not any prohibited academic conduct occurred. ~~only- upon the basis of- substantial evidence.~~ The faculty member's decision shall be based upon substantial evidence. "Substantial evidence" means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. It is something less than the greater weight of the evidence, in other words, less than a preponderance of the evidence.

[A QUESTION I HAVE IS FIRST, WHETHER WE WANT TO STATE A BURDEN OF PROOF HERE AT ALL, AND SECONDLY, WHETHER WE WANT ONE (SUBSTANTIAL EVIDENCE) WHICH IS DIFFERENT, IT'S LESS, THAN WHAT THE NEW 337 ON THE GRADE APPEALS BOARD PROVIDES, WHICH IS A PREPONDERANCE OF THE EVIDENCE, WHICH IS THE STUDENT'S BURDEN? WE CAN DO IT THIS WAY, THAT IS, REQUIRE THE FACULTY MEMBER TO HAVE SUBSTANTIAL EVIDENCE, WHICH IS

LESS THAN A PREPONDERANCE, BUT IS NOT ARBITRARY AND IS MORE THAN JUST A LITTLE BIT OF EVIDENCE, SO TO SPEAK, AND STILL LOGICALLY REQUIRE THE STUDENT, BEFORE THE GAB, TO MEET A HIGHER STANDARD. RDJ]

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. ~~or they may recommend that the student drop the course in question.~~ 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 vice-president for academic affairs. In the case of 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 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 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.

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

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

The HR council recommended two changes to subsection 139.4: 1) insertion of the word “regular” in front of the word “employees” to clarify that only regular employees (and not temporary and part-time employees) are entitled to storm day benefits; and 2) language providing that an employee who had previously scheduled annual or other leave on a day the institution is closed due to severe weather is not entitled to “storm pay.” This was approved by the SBHE.

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

Policy Coordination Committee – 9/22/06; 12/20/06
University Senate –
Staff Senate –
President’s Council -

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

Office of HR/Payroll

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

SECTION 139: LEAVE WITH PAY

SOURCE: NDUS Human Resource Policy Manual, Section 20

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 Where 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 Where 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 and retain same without loss of time or pay.
 - 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 may charge his/her absence against earned annual leave or request leave without pay.
3. Conference or Convention Leave - Two days per year shall be allowed for 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 - All regular 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 (see Section 212-Overtime). If an employee is not scheduled to work because of a previous arrangement, including annual or sick leave, and the university is closed as a result of a storm, the employee must use either annual leave or sick leave.

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

POLICY CHANGE COVER SHEET

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

Section

151.1 External Activities and Conflicts of Interest

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

Policy Coordination Committee - 2/24/05; 3/17/05; 11/17/05; 12/15/05; 1/27/06; 4/21/06;
6/27/06; 9/22/06

Staff Senate -

University Senate – 2/13/06; 3/20/06; 4/10/06

President's Council -

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

Provost and Vice President for Academic Affairs (2/24/05)

SECTION 151.1: EXTERNAL ACTIVITIES AND CONFLICTS OF INTEREST

SOURCE: SBHE Policy Manual, Section 611.4
NDSU President
NDSU University Senate

1. PHILOSOPHY AND NEED

- 1.1. Beyond the traditional academic responsibilities of teaching, research, and service, and in response to the rapidly changing external realities, universities and their employees are increasingly involved in external activities*, including economic development, technology transfer*, consulting*, and other types of public service.
- 1.2. North Dakota State University recognizes the need, and actively encourages its employees, to participate in sponsored activities* and external activities as an important component of its land-grant mission. NDSU also recognizes that this may create conflicts of interest and/or commitment with the traditional academic responsibilities. An investigator's* engagement in sponsored and external activities is subject to the principles that:
 - 1.2.1. Full-time employees have as their primary responsibility their professional obligation to NDSU.
 - 1.2.2. Employee conduct must conform to the highest standards of professional integrity and ethics, thereby avoiding even the appearance of impropriety.

** These and other terms marked with an asterisk are defined in Section XII – Definitions. [hot link to definitions section] See especially Conflict of Interest and Conflict of Commitment. [Hot link each of these terms to their definition in Section XII.]*

2. APPLICABILITY

- 2.1. This policy applies at all times to all full and part-time NDSU employees.
(Exceptions to the application of this policy should be negotiated with the administrative head, appropriate Vice Presidents, and the Provost/VPAA at the time of hire.)

3. GUIDING PRINCIPLES AND MAJOR CONSIDERATIONS: INSTITUTIONAL

- 3.1. **Institutional Approval.** Institutional approval must be obtained prior to engaging in any external activity in which there is a potential or actual conflict. Full-time NDSU employees owe their primary loyalty and professional commitment to the institution during the terms of their employment. They must not neglect their university responsibilities to seek financial interest or advantage for themselves, their immediate families, their close associates, or a business over which they or their families have a direct or indirect financial interest. Any commitment of time and effort to serve another

institution, agency, or industrial organization other than NDSU, therefore, should be made only after satisfying an employee's primary commitment to NDSU and after appropriate disclosure and approvals.

3.1.1. Where potential for conflict exists, it must be disclosed, analyzed and dealt with immediately and directly. Although not all conflicts can be prevented or avoided, failure to disclose, properly supervise, or manage an identified conflict will constitute a violation.

3.1.2. Conflict of interest is categorized as

3.1.2.1 Clearly allowable;

3.1.2.1 Allowable after disclosure, review, approval and oversight;

3.1.2.1 Not allowable or prohibited.

3.1.3. Upon receipt of the disclosure, the process should be completed within 20 working days unless there are circumstances which can be documented to indicate reasons for exceeding this 20 working day period.

3.2. **Institutional Encouragement.** When a relationship enhances the professional skills of NDSU employees or constitutes public service, interactions involving service, consulting, and research activities between institutional employees and external entities for reasonable periods of time and for personal remuneration are acceptable and encouraged.

(The reasonableness of time allowable will vary among individuals, discipline, activity, and will be affected by specific departmental or unit needs).

3.3. **Institutional Benefit.** Participation by NDSU employees in the activities that serve the interests of NDSU is encouraged, where such participation affords experience and exposure to the individual, and accrues standing to NDSU. Donation of professional services to external organizations and professional societies, and serving as officers of such societies for reasonable periods of time without substantial allocation of NDSU resources is encouraged.

3.4. **Institutional Resources.** Subject to law and policy, NDSU permits some use of its facilities, space, equipment, or support staff for external activities. If a substantial allocation of NDSU resources is required to support an external activity, there must be a prior written financial arrangement agreed upon that adequately compensates NDSU for their use.

3.5. **Confidentiality of Disclosure Information.** NDSU will assure the confidentiality of individual disclosure information to the extent possible under applicable state and federal requirements and/or the North Dakota Open Records Act. Whenever requests for such information are requested by any external entity, the individual will be notified.

4. GUIDING PRINCIPLES AND MAJOR CONSIDERATIONS: EMPLOYEE

- 4.1. **Employee Disclosure.** As a public institution, NDSU must possess sufficient information and control to discharge its obligations of public accountability responsibility. NDSU employees have the responsibility to report promptly and in sufficient detail, all activities that may involve actual or potential conflicts. Regular, timely, and full disclosure is a key element in this policy and is necessary to identify, resolve, or manage any actual or potential conflict of interest situation. The requirement of disclosure cannot be waived by any university employee.
- 4.2. **Employee Obligations.** When arranging relationships with external agencies, NDSU employees are expected to make known their NDSU obligations. Where appropriate, they should provide copies of relevant NDSU policies to their contracted entities and inform the external agencies that their work is contracted in their individual capacity and does not in any way represent NDSU. Listing of an employee's institutional affiliation in public or commercial documents needs to comply with Policies 152-External Professional Activities and 700.1-Use of University Name.
- 4.3. **Academic Freedom.** Subject to University policies and requirements, NDSU employees are free to choose the subject matter and strategies of their individual teaching and research activities on the basis of scientific or scholarly criteria, insofar as they are unencumbered by external commitments.
- 4.4. **Freedom to Publish.** Subject to limited delays to permit filing of document(s) to protect intellectual property*, or findings as in a patent application, NDSU will vigorously ensure its employees' free and open dissemination of information including the right to publish.

(See also NDSU Policy regarding Classified Research, Policy 344) [\[hot link\]](#)

- 4.5. **Accountability for Review.** NDSU expects that responsible individuals will exercise their duty and responsibility, at all levels of review and action, to evaluate carefully all potential conflict situations disclosed or known to them before acting to approve or disapprove the same.
- 4.6. **Time Commitment.** NDSU will allow an average of up to one day per week (40 days for academic year and 52 days for calendar year appointments) within the contract period for acceptable and approved external professional activities (Policy 152). This released time, subject to unit needs, is not an automatic entitlement but is approved at the administrative head's discretion. Such released time is not available for:
 - 4.6.1. Activities or businesses that are purely personal in nature.
 - 4.6.2. Activities that are neither related nor contribute to the advancement of the employee's professional skills.
 - 4.6.3. Activities, which do not provide an opportunity for professional growth.

5. SPECIFIC RESPONSIBILITIES

- 5.1. **NDSU employees** are required and expected to take the initiative to report promptly and in detail to the administrative head of their units, for prior written approval, all activities or situations which may involve, or appear to involve, a conflict of commitment, a conflict of interest, or an incompatible obligation* or commitment, and to respond to inquiries from the administrative head in connection with any such report. The mere existence of a conflict, real or potential, however, will not necessarily preclude a particular activity.

(See also NDSU Policies 151 – Conflict of Interest and 152 – External Professional Activities.) [HOT LINK to these policies]

- 5.2. **Administrative heads of units*** have the duty and responsibility to evaluate carefully all potential conflict situations reported or known to them before acting to approve or disapprove the same. As a public institution, NDSU is expected to possess sufficient information and control to discharge its obligations of public accountability.

- 5.2.1. In a specific conflict situation, it may be appropriate for the administrative head to inquire into a number of factors, including:

- 5.2.1.1 The extent of time commitment to external entities by academic staff member from consulting activities;
- 5.2.1.2 The extent of financial or other interest the academic staff member or staff member's family have in external entities;
- 5.2.1.3 The extent to which such financial or other interests may influence or affect the entities' general policy or specific decision.

- 5.2.2. Careful scrutiny is called for when:

- 5.2.2.1 The employee's acquisition of financial interests or assumptions of external executive or administrative responsibilities appear to be in conflict with the employee's duties and obligations to NDSU;
- 5.2.2.2 Activities may influence research or business decisions in ways that could lead to the employee's direct or indirect personal financial gain, or give improper advantage to the employee's immediate family, associates, or others.

- 5.2.3. In such circumstances, if the proposed activities are to be approved, appropriate control mechanisms must be established and reduced to writing, and be subject to continuous review and monitoring. Such monitoring may include, among other requirements appropriate to the circumstances, higher administrative level review of expenditures (including those for travel), periodic detailed reviews of programmatic objectives and/or progress, removal of the affected employee from decision making authority, granting a leave of absence without pay when the external commitment is inappropriate to the employee's University duties or responsibilities.

- 5.2.4. Provision might be made for consulting authorization request approval process, whereby if the duration of the activity is longer than one year, or is indefinite, indeterminate, occasional or ongoing for a period longer than one year, for the authorization to be renewed annually through electronic correspondence, provided there are no material changes to the original activity. Substantial changes to the activity would require formal reauthorization.
- 5.3. Research agreements with external sponsors must maintain basic academic values and must not promote a secrecy that will harm the development of knowledge, impair the educational experience of students or postdoctoral fellows, diminish the role of NDSU as a credible and impartial resource, interfere with the choice by employees of the scientific or scholarly subjects they pursue, or divert an employee's energies or NDSU resources from primary educational and research missions.
- 5.4. Those situations are to be avoided or remedied in which academic staff members, through use of their University positions or by their conduct, may be tempted to disregard the interests of the University and its students, or to dilute or divert their attention from their NDSU responsibilities in order to seek direct or indirect advantage for themselves, their families, or close associates, or exert sufficient influence over a business to be able to affect its general policy or specific decision.

6. DISCLOSURE

- 6.1. The policy on disclosure is the key mechanism to identify potential conflict(s) of interest and commitment for further evaluation, oversight, and remediation. Usually, and most importantly, this will involve financial disclosure*. For situations subject to review and approval, an NDSU employee shall submit a request in writing, explaining all pertinent circumstances, to the administrative head of the unit in which he or she is employed. Items that need consideration in the written request may include:
- 6.1.1. Listing any consulting relationship, managerial role, or a significant financial interest* in a company that does business with the University;
- 6.1.2. Disclosing a company that is involved with or sponsors activities related to the field of research and or service;
- 6.1.3. Listing any non-University income-producing activities that involve NDSU students or other staff.
- 6.1.4. Employees of NDSU authorized (including delegated authority) by NDSU Policy 712 [\[hot link\]](#) to enter into contracts on behalf of the University must sign the North Dakota State University Conflict of Interest Disclosure Statement. All other employees will be provided notice about this Policy but need only sign the statement if they have a conflict. Notices and collection of statements shall be administered by the Purchasing Office.

- 6.2. If an actual or potential conflict of interest is not believed to exist, the reviewing authority will complete the Administrative Review Form. [\[hot link\]](#) One copy each will be returned to the individual submitting the form, forwarded to the respective Vice President, and retained on file with the Administrative Head. The action requested may be approved, provided it is in compliance with all other University policies and procedures.
- 6.3. If an actual or potential conflict of interest is determined to exist, there are three options. These include:
- 6.3.1. Permitting the requested action or activity.
 - 6.3.2. Attaching conditions to the approval.
 - 6.3.3. Prohibiting the activity.
- 6.4. If the administrative head believes that an actual or potential conflict of interest situation exists, he or she shall refer the matter to the appropriate Vice President. The Vice President shall exercise his or her authority to approve, disapprove, or approve with conditions any actual or potential conflict of interest, or refer the matter to the Conflict of Interest Advisory Committee (CIAC; see Section IX) for recommendation. Where special arrangements to accommodate an actual or potential conflict of interest are desired, they shall be reduced to writing, on the basis of which the Vice President may appoint an individual to monitor the approved arrangement.
- 6.5. The Vice President shall indicate his or her decision on the Administrative Review Form, [\[hot link\]](#) a copy each of which will be forwarded to the individual submitting the request, the initial reviewing authority, and filed with the office of the Vice President.
- 6.6. Upon receipt of the disclosure, the process should be completed within 20 working days unless circumstances which can be documented to indicate reasons for exceeding this 20 working day period.

7. CONFLICTS INVOLVING ADMINISTRATORS

- 7.1. In the case of potential conflicts of interest and/or commitment involving administrators at the level of dean, director, or higher, initial disclosure shall be made with the appropriate Vice President, who shall then make a recommendation consistent with policy, and who may exercise the option to make the final decision. Disclosures for Vice Presidents shall be filed with the President, who shall have the final approval authority, but who may also consult with CIAC for its recommendation.

8. UNIVERSITY REVIEW OF SPONSORED ACTIVITIES

- 8.1. Any sponsored program agreement between the University and external sponsor(s) must be authorized in advanced through established University review procedures to ensure conformity of the proposed activity to the academic, administrative, fiscal,

space utilization, and other policies of the University. In addition, such an agreement must not conflict with the rights of other University scholars, with other University commitments, or with the basic academic values of the institution.

9. REVIEW AND APPEALS

- 9.1. A Conflict of Interest Advisory Committee (CIAC) shall be established, comprised of five members recommended by the University Senate Executive Committee and appointed by the President of the University Senate. The Committee shall serve as an advisory body to the University administration on conflict of interest issues, and shall also hear appeals of decisions in conflict of interest cases.
- 9.2. If an activity is subject to restrictions or prohibited, the employee concerned may request a hearing by the CIAC. After the written request is received by the President of the University Senate, the CIAC should meet with the appellant within 15 working days. If a member of the CIAC has any personal or working relationship with the appellant, that member should recuse him or herself and be replaced by another member appointed by the President of the University Senate. More than one meeting may be scheduled to decide the case, if necessary.
- 9.3. The appellant has the right to call any witnesses and produce any evidence that could bear on a recommendation to allow the activity, as well as to have an advisor accompany him/her to any committee deliberations. The committee, however, will come to its conclusions and write its final recommendations in private. The recommendation to either uphold or change the original decision shall be sent to the appropriate Vice President. If the committee finds that the original decision should be upheld, then a final appeal may be made to the President of the University. If the recommendation is to change the original decision, the Vice President shall take appropriate action as he or she deems fit. All records of the proceedings shall be maintained on file in the office of the appropriate Vice President for three years. A copy of the final recommendations shall be provided to the appellant.

10. VIOLATIONS

- 10.1. Violation of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and termination of employment at the University. In addition, any NDSU employee who has received financial benefit from transactions in violation of this policy shall be liable for repayment (to the appropriate entity) of all financial benefits resulting from such violation. Compliance with this policy may also be enforced through the exercise of administrative oversight of funded research and management of NDSU facilities and other property. Such enforcement measures may include, but not be limited to:
 - 10.1.1. Freezing research funds or accounts.
 - 10.1.2. Rescinding contracts entered in violation of this policy or state law.

- 10.1.3. Bringing legal action for restitution to the appropriate entity or entities of the amount of financial benefit received by the NDSU employee as a result of the employee's violation of this policy.

11. EXAMPLES OF CONFLICT OF INTEREST SITUATIONS

- 11.1. Conflict of Interest situations are not always easy to identify. This section categorizes and identifies activities that have differing potentials for presenting a risk. The list below represents examples of possible conflict situations that may be of some concern and is not meant to be exhaustive. Each situation, therefore, calls for an analysis of the potential benefits and risks. The administrative head or the CIAC must decide if the benefit is worth the risk.

- 11.2. Potential conflict situations/activities may also be categorized as:

- 11.2.1. Adverse effects on educational programs;
- 11.2.2. Bias/subversion of research agendas;
- 11.2.3. Unreasonable impairment of the flow of information/knowledge;
- 11.2.4. Misuse of NDSU resources and facilities for private gain; and
- 11.2.5. Theft and/or misuse of NDSU intellectual property.

- 11.3. Potential conflict situations/activities may also be categorized as:

- 11.3.1. Clearly allowable;
- 11.3.2. Allowable after disclosure, review, approval, and oversight;
- 11.3.3. Not allowable or prohibited.

- 11.4. Activities that are clearly allowable:

- 11.4.1. Activities in this category have very low potential for conflict of interest. Participation does not require disclosure and is allowable if it is consistent with other NDSU policies such as those regarding time commitment and employee's ability to meet job obligations. Examples of such activities include, but are not exclusive to:

- 11.4.1.1. Acceptance of royalties and honoraria for published scholarly works and intellectual property (if disclosed to and managed by NDSU or the NDSU Research Foundation), occasional lectures, commissioned papers, and creative works;
- 11.4.1.2. Acceptance of honoraria or payment for service as a special reviewer or service on a review panel for academic, government, and not-for-profit entities;

- 11.4.1.3. Acceptance of royalties under NDSU or another academic institution's royalty policies insofar as the employee does not have any other relationship with the royalty-granting entities.

(See NDSU Policies 323, 323.3.1, and 152.4.3 [\[hot link\]](#) for exceptions and exclusions to receiving honoraria and royalties.)

- 11.4.2. In such cases, the use of NDSU property or facilities is acceptable, if the use of such property or facilities has a legitimate relationship to the University employee's responsibilities, provided such use is not significant. No disclosure or approval is required in these situations by this policy, although individual administrative units may have their own approval or scheduling procedures. Examples include using institutional resources to author a book, host a meeting, conduct research related to one's disciplinary field(s), or to serve a professional organization as an officer.

- 11.4.3. In such cases, it is acceptable to utilize institutional employees (e.g., research assistants, secretaries, work study students) to provide assistance, provided the work activity is in keeping with the responsibilities of both parties, does not interfere with the performance of their primary activities, and does not result in significant additional costs to the University. This policy does not require any disclosure, other than intellectual property disclosures as required by policy, or approval process, although individual administrative units may require reporting and approval.

- 11.4.4. In such cases, it is acceptable for employees to acknowledge an affiliation with NDSU, provided this identification is accurate, is not used as part of any endorsement or promotional activities for business or personal gain, and is in keeping with the actual roles and responsibilities at the University (Policy 700.1). University personnel may use University stationery for activities that are related to their assigned University responsibilities. Such identification does not imply, however, that the employee is acting in anything other than in his or her individual capacity.

11.5. Activities that may be allowable after disclosure, review, oversight, and approval:

- 11.5.1. Activities in this category have minimal-to-moderate potential for conflict of interest. These activities may be allowable after disclosure and appropriate review, provided prior administrative approval is obtained. Where appropriate or necessary, conditions or provisions for oversight may be imposed. Examples of such activities include, but are not limited to:

- 11.5.1.1. Any ownership or majority control in a commercial enterprise that conducts activities closely related to the employee's area of academic work;

- 11.5.1.2. Holding an executive position in a commercial (private or public) enterprise or participation in the day-to-day operation of an enterprise directly related to one's University responsibilities;
 - 11.5.1.3. Assuming a "key" continuing consulting role in an enterprise (including serving as a director of a company);
 - 11.5.1.4. Consulting for additional compensation (e.g., providing services to individuals or firms, presenting educational programs sponsored by private firms or independently by faculty members) through approval (*see Policy 152, Request for Approval*);
 - 11.5.1.5. Situations in which the time or creative energy devoted to external activities appear substantial enough so as to compromise the amount or quality of the employee's participation in the instructional, scholarly, or administrative work of the University;
 - 11.5.1.6. Situations in which a faculty member directs students in a research area from which the faculty member may realize a financial gain, thereby diminishing the faculty member's ability to render objective, independent judgment on the student's efforts.
 - 11.5.1.7. Conducting research for any commercial entity.
- 11.5.2. In such cases, approval is required for use of University resources and facilities that lie outside usual work responsibilities that result in clearly identifiable additional costs to the University. Approval of such situations will generally be conditioned on reimbursement of costs. The executive head of the administrative unit in which the activity occurs must approve exceptions to the requirement for reimbursement. Examples include writing a book for outside compensation, hosting a conference, giving private lessons, performing research utilizing University research instruments for an external entity, or serving as an editor for a journal.
- 11.5.3. In such cases where an activity will personally benefit the recipient approval is required for the use of services of other University employees. If the costs are more than trivial, approval shall only be granted if the requested services are in keeping with the usual University activities of both employees, and the activity is in keeping with the mission of the University.
- 11.5.4. Approval must be granted for student involvement in research activities that have the potential to substantially benefit a business entity in which a University employee has a significant financial interest.
- 11.5.5. Restrictions on publication rights that may adversely impact the fulfillment of degree requirements are permitted only to the extent reasonably necessary to obtain protection of intellectual property rights if they do not prevent

publication of student research in a timely manner. In such instances, the student must be informed of the limitations prior to commencing the work and must agree in writing to those limitations.

11.6. Activities that are clearly prohibited:

11.6.1. Activities in this category pose such serious conflicts with University policy and such high potential for abuse that they cannot be allowed under any circumstances, and are subject to disciplinary action in accordance with NDSU Policies and Procedures. Examples include, but are not limited to:

11.6.1.1. Any circumstances in which a substantial body of research or services that could and ordinarily would be carried on within the University are conducted elsewhere to the detriment of the University and its legitimate interests;

11.6.1.2. Any activity outside the purview of the University:

11.6.1.2.1. Involves or appears to involve the University significantly through the use of its resources, facilities, or the participation of academic colleagues, students, and staff, except in those cases where prior approval has been granted;

11.6.1.2.2. Involves the use of the University's name or implied endorsement; or,

11.6.1.2.3. Violates any of the principles set forth in the University Research Policy (805) (for example, giving the outside organization the right to censor or prohibit publication rights for research any part of which is performed under University auspices);

11.6.1.3. Any use for personal profit, unpublished information or data emanating from sponsored agreements or confidential University sources, or assisting an outside organization by giving it exclusive access to such information.

11.6.1.4. Consulting with outside organizations that impose obligations upon the faculty member or the University that conflict with the faculty member's or University Intellectual Property Policy or with the University's obligations under sponsored activity.

11.6.1.5. Any use of the University's name in connection with private activities in a manner that inappropriately suggests that the University endorses, sponsors, promotes, advertises, or approves the activities or views of the faculty or staff member.

- 11.6.1.6. Any evaluation of junior faculty, staff, or students based on participation in (or refusal to participate in) outside activities involving business entities in which the evaluating faculty member has a significant financial interest.
- 11.6.1.7. Any assignment of students to research and or creative activities that involve secrecy or confidentiality requirements beyond best institutional practice.
- 11.6.1.8. Any use of uncompensated student labor for research or creative activity outside of the University that will result in personal gain for the supervising University employee.
- 11.6.1.9. Any use of the services of University employees for personal gain such as answering telephones for a private business, typing reports, or conducting research activities or accepting personal compensation for work performed by University employees for external activities.
- 11.6.1.10. Any conduct of library research by librarians on a product/technology for personal gain or any use of University facilities or resources for personal financial gain or conducting a private business and using University supplies for non-university activities.
- 11.6.1.11. Any use of University employees and students, on University time and without reimbursement, for work motivated primarily by commercial concerns or intended to benefit a business entity in which the University employee has a significant financial interest;
- 11.6.1.12. Any soliciting or receiving, either by the University employee or a member of his or her immediate family a gift, compensation, loan of money, or a non-pecuniary gift, the value of which exceeds the amount permitted by state law; any soliciting or receiving of remuneration from a person or business entity that is an actual or potential provider of goods or services to the University, in connection with any transaction between the University and any persons or business entity, or under circumstances where it would tend to influence the University employee's performance of his or her University duties;
- 11.6.1.13. Any use of university resources (databases, subscriptions, tools, software, etc.) for personal gain or for the gain of a business in which the employee has an interest, except in those cases where prior approval has been granted.

12. DEFINITIONS

- 12.1. **Administrative Head of a Unit** is defined as a department chair or head, dean, director, vice president, president, or equivalent officer who has primary authority for administering an administrative unit.

(In case a conflict exists for an administrative head of a unit, the matter shall be referred to the next level of administrative authority in the normal reporting lines.)

- 12.2. **Conflicts of Commitment** primarily relate to the employee's distribution of effort between obligations to an academic appointment and commitments to external activities. Conflicts of commitment may also occur or exist when professionally related external activities of the employee are so substantial or demanding of the employee's time and attention as to interfere or appear to interfere with the employee's responsibilities to NDSU, to his/her work unit, or to students.

- 12.3. **Conflict of Interest** is said to occur or exist when:

12.3.1. An NDSU employee is involved in an activity, commitment, or interest that may adversely affect, compromise, or otherwise be incompatible with the obligations that the employee has to NDSU; or,

12.3.2. The University is influenced in such a way as to lead to improper financial gain for either the University, its employee, the employee's immediate family* or for others; or,

12.3.3. The employee's involvement in and/or commitment to external activities interferes with the employee's primary obligations to his or her students, colleagues, and the institutional mission.

- 12.4. **Consulting** is defined as a professional activity related to the University employee's academic field or discipline that involves a fee-for-service or equivalent relationship with a third party [See Policy 152].

- 12.5. **External Activities** are defined as activities (e.g., consulting) in which an outside organization or entity provides remuneration directly to the faculty member who, in turn, provides a service directly to the entity. There is no direct university involvement except the employment of the faculty/staff member.

- 12.6. **Financial Disclosure** is defined as the formal filing of information with a designated NDSU administrator, disclosing any direct and indirect financial interests that the employee, or spouse, or any dependent(s) has in the sponsor of a sponsored activity for which the person filing the disclosure is serving or will serve as an investigator.

- 12.7. **Immediate Family** is defined as the spouse, parents, siblings, and children. (*see also under Investigator*).

- 12.8. **Incompatible Obligation** is defined as any agreement:

12.8.1. Between an NDSU employee and an external entity which is incompatible with the employee's obligations to NDSU;

12.8.2. Which unduly restricts or impairs the employee's ability to perform research or other activities at NDSU;

12.8.3. Which results in the transfer or compromise of existing or potential NDSU rights in intellectual property; or

12.8.4. Which utilizes NDSU resources without prior written approval of the appropriate University official or designee.

12.9. **Intellectual Property** is defined as any ideas, inventions, technology, biological organisms, software, creative expression (and derivatives thereof), in which a proprietary interest may be claimed including, but not limited to, patents, patent applications, copyrights, trademarks, data sets, know-how, show-how, and biological materials. [See Policy 190).

12.10. **Investigator** is defined as the principal investigator, co-investigator, and any other person at the institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by an external sponsor.

(As it relates to financial interests, "Investigator" also includes the investigator's immediate family.)

12.11. **Significant Financial Interest** is defined as:

12.11.1. Anything of monetary value, including, but not limited to, salary or other payment for services (e.g., consulting fees or honoraria);

12.11.2. Equity interests (e.g., stocks, stock options, or other ownership interests);

12.11.3. Intellectual property rights (e.g., copyrights, trademarks, patents, PVP, and royalties for such rights).

12.11.4. The term does not include:

12.11.4.1. Salary, royalties, or other remuneration from North Dakota State University the NDSU Research Foundation if such payments have not originated with the sponsoring agency;

12.11.4.2. Income for seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;

12.11.4.3. Income from service on advisory committees or review panels for public or nonprofit entities; or,

12.11.4.4. Financial interests in business enterprises or entities if the value of such interests (industry equity interests, salary, fees, or other continuing payments) does not exceed \$10,000 per annum or represents more than 5% ownership interest for any one enterprise or entity when aggregated for the investigator, the investigator's spouse, and children.

12.12. **Sponsored Activity** is defined as research, training, instruction, construction, and service projects involving funds, materials, or other compensation from outside sources (sponsor) under agreements that contain any of the following:

12.12.1. The agreement binds NDSU to a line of scholarly or scientific inquiry or service that is specified to a substantial level of detail;

12.12.2. A line-item budget is involved which details expenses by activity, function, or project period;

(The designation of overhead [indirect costs] qualifies for inclusion in a budget as "line-item.")

12.12.3. Financial reports are required, as also progress, technical, and other reports as appropriate;

12.12.4. The award is subject to external audit;

12.12.5. Unexpended funds must be returned to the sponsor at the conclusion of the agreement;

12.12.6. The agreement provides for the disposition of either tangible (buildings, equipment, records, technical reports, theses, or dissertations) or intangible (rights in data, software copyrights, or inventions), or patent, patent applications, or other intellectual property that may result from activity.

12.13. **Technology Transfer** is defined as (and includes) any license, assignment, or conveyance of any legal or equitable interest in intellectual property that is owned by NDSU, or the NDSU Research Foundation including but not limited to, the right to make, market, copy, sell, or use such property in any way.

POLICY CHANGE COVER SHEET

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

Section

805: Allowable Cost Policies – Compensation For Personal Services

- to In regards to work performed on sponsored agreements, changes are made to section 2.3. redefine faculty and exempt staff overload pay to not exceed 20% of base salary on an annualized basis.

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

Policy Coordination Committee - 12/20/06

Staff Senate -

University Senate –

President's Council

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

Provost and Vice President for Academic Affairs

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

SECTION 805: ALLOWABLE COST POLICIES - COMPENSATION FOR PERSONAL SERVICES

SOURCE:NDSU President

1. Activities under a grant or contract, participation in a training or leadership program, or similar academic activities are normally considered a part of the regular work load for faculty or staff members. Also, cost policies for sponsored agreements determine that a faculty or staff member's sponsored activities are normally part of the institutional base contract.
2. SALARY CHARGES TO SPONSORED AGREEMENTS: Charges for work performed on sponsored agreements by faculty or staff members will be based on the individual's regular compensation for the continuous period which constitutes the basis of the individual's salary. Charges for work performed on sponsored agreements during all or any portion of such period are allowable at the base salary rate. Charges to the sponsored agreement, irrespective of the basis of computation, cannot exceed the proportionate share of the base salary for that period.

2.1

The reallocation of salary charges to sponsored agreements should be completed on a Payroll 101 form. Payments for approved overload compensation arrangements should be made by submission of a Payroll ~~103~~ 101 form.

2.2

Under federal programs clerical salaries may be treated as direct costs only if they are "identifiable to a particular cost objective" and are explicitly budgeted for such services.

2.3

In exceptional cases, where work on sponsored agreements is more appropriately performed on an overload basis, extra compensation may be authorized by ~~the faculty or staff member's Department Head, the Dean (if applicable), and~~ the appropriate Vice President, subject to the following:

A.

Recommendation and justification by the department head/chair and dean (if applicable).

~~A~~B.

The compensation generally comes from grant/contract funds,

and the grant/contract budget must include an authorization for the salary to be paid on an overload basis;

~~B.~~

~~For faculty members employed on a nine month basis the total annual contract period overload pay authorized shall not exceed ten percent of their base salary for the current contract period. (Also see Section 806)~~

~~C.~~

~~Faculty members and exempt staff employed on a twelve month basis may receive additional compensation up to 17.27% of their base salary. (Also see Sections 212 and 807 for non-exempt staff.)~~

~~D.~~

The Sponsor's policy will specifically allow such activity.

(Also see Section 807 for non-exempt personnel)

NOTE: Federal Circular A-21 guidelines prohibit extra compensation on federal projects.

an D. For faculty members and exempt staff, the total annual overload pay authorized shall not exceed twenty percent of their base salary on annualized basis (i.e., employees on nine month contracts would be annualized to eleven months. Employees on twelve month contracts would also be annualized to eleven months). (Also see Section 806)

3. CONSULTATION PAYMENTS: Intra-university consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time base salary. This principle also applies to faculty members who function as consultants or otherwise contribute to a sponsored agreement conducted by another faculty member of the same institution.

3.1

In non-recurring, unusual situations, payment may be made if all of the following conditions are met:

- a. consulting is across department lines or at a separate or remote location;
- b. work performed is in addition to the regular departmental workload; and
- c. university employee consultants are specifically listed in the agreement budget or approved by the sponsoring agency in a separate document.
- d. The total annual additional compensation from all agreements does not exceed the overload limits specified in 2.2 above.

NOTE: The definition of the "regular departmental workload" will be defined by the respective Dean and Department Head of the faculty/staff member involved. Specifically, the sponsored activity cannot be met with a corresponding reduction in the faculty/staff member's departmental responsibilities to qualify as work in addition to the regular departmental workload.

4. The Office of Restricted Fund Accounting will review all additional compensation payments on sponsored agreements for allowability under the guidelines stated above.

HISTORY: July 1990; Amended April 1992; May 1996; April 2000; February 2001; August 2002.

