

NORTH DAKOTA STATE UNIVERSITY
STAFF SENATE MEETING MINUTES

January 5, 2011

Memorial Union, Great Room

Staff Senate meeting minutes are archived on our Web site
at: http://www.ndsu.edu/staff_senate/meeting_information/meeting_minutes/

Upcoming Staff Senate Meetings:

| | | |
|------------------|-------------------|------------------|
| February 2, 2011 | 9:30 – 11:00 a.m. | Prairie Rose, MU |
| March 2, 2011 | 9:30 – 11:00 a.m. | Great Room, MU |
| April 6, 2011 | 9:30 – 11:00 a.m. | Great Room, MU |

Upcoming Executive Committee Meetings:

| | | |
|-------------------|-------------------|---------------|
| January 19, 2011 | 9:30 – 11:00 a.m. | Gunkelman, MU |
| February 16, 2011 | 9:30 – 11:00 a.m. | Gunkelman, MU |
| March 16, 2011 | 9:30 – 11:00 a.m. | Gunkelman, MU |

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).

All broadbanded staff members are encouraged to attend.

Senators & Substitutes:

-Attendance sheets are on the back table; please sign in. (Absences are noted in the minutes.)

-Please mute or turn off cell phones before the meeting.

Call to order

Kris Mickelson called meeting to order at 9:35 a.m.

I. Quorum, substitutions and guests – Heather Heger

Substitutions:

Ann Marschke for Lorna Olsen

Randi Smith for Mary Sinner

Sheila Boyda for Annette Sprague

Bruce Steele for Jeri Vaudrin

Courtney Barstad for Sheila Watson

Present: 47

Absent: 11

II. Consent agenda – MOTION: (Miller/Davidson) to approve consent agenda. **MOTION CARRIED.** No discussion.

Policies for Information:

Policy 812 – Allowable Cost Policies – Miscellaneous

Policy 821 – Personnel Activity Confirmation

Policies for Input:

Policy 122 – Payroll Checks – Distribution

Policy 158 – Acceptable Use of Electronic Communication Devices

Policy 335 – Code of Academic Responsibility and Conduct

Policy 700 – Services and Facilities Uses

Policy 713.1 – Records Management

III. Approval of Meeting Agenda

MOTION: (Olson/Modin) to accept agenda as changed. **MOTION CARRIED.**

IV. Program – Brittnee Steckler, Wellness Presentation

www.ndwellnesscenter.com **Help Line: 866-457-6387** for things like forgotten password.

The program allows the employee and their covered spouse to earn \$250 annually. You do have to enroll each year. You also need to complete a health assessment each year. There are two ways to earn the \$250. each year, they are:

- Health Care Reimbursement
- Points Annually

www.nihca.org – will help to locate a club in your area that participates in the program.

V. Student Government Report – no report

VI. Faculty Senate Report – no report

VII. Approval of the December 1, 2010 minutes MOTION: (Pierce/Hoag) to accept minutes as they are. **MOTION CARRIED.**

VIII. Treasurer's Report –Kathy Backen-Andersen

Appropriated Fund – \$613.13

Agency Fund - \$1,500.

Local Fund - \$10,606.31

IX. Advisor Comments – Colette Erickson

New Employee Orientation is scheduled for January 11, 2011. If you have employees that have started and have not attended a New Employee Orientation session, please sign them up with Sheila at 1-5657.

There are changes to social security tax (OASDI/EE), it is now 4.2% of our gross instead of 6%.

W-2's will get mailed out as normal.

X. Reports of the Committees

A. Executive – Kris Mickelson

Executive Committee has been working diligently on the S.W.O.T. (Strength, Weakness, Opportunity and Threat). Take time to look at the document and make comments. We are charging the chairs/co-chairs to involve their committees in the S.W.O.T.

B. NDUS Staff Senate – LaDonna DeGeldere/Kathy Backen-Andersen – no report

C. Standing

1. **Bylaws** – Vince Anderson – no report

2. **Election** – Vance Olson – no report, meeting after this Staff Senate Meeting

3. **Legislative** – Debra Severson – Things have changed since the appointment of a Staff Senate Executive Committee member to the President's Cabinet. We need to revisit the committee's charge.

4. **Program** – Victoria Miller – no report, meeting after this Staff Senate Meeting

5. **Public Relations** – Deb Haney/Marilyn Dowdy - no report, meeting after this Staff Senate Meeting

6. **Scholarship** – Stephanie O'Brien/Connie Eggers – the committee met in mid-December. We are not going to open the scholarship application window until March 1, 2011. Last year we offered a general student scholarship, we may not be able to offer it this year. The committee will be meeting again in February.

7. **Staff Development** – Jodi Pierce/Paula Schneider – Wednesday, January 12, 2011 the Staff Development Committee will be having a mini-session at 8:30.

8. **Staff Recognition** – Jan Lofberg – meet after this meeting.

9. **Valentine Ball** – Is scheduled for February 5, 2011. We need to have people volunteer to sell tickets. Checkout tickets to sell from LaDonna DeGeldere on Friday. The day of the ball we need volunteers to help decorate.

D. President's Cabinet – Vance Olson

- New learning curve having a representative to the President's Cabinet.
- Kudos for grounds crew getting the snow off the streets and clearing the campus out.
- Branding is a big thing. Wear your Staff Senate t-shirts. Laura McDaniel is the contact person for making sure that we are consistent with University colors and the entire branding process.
- The last call received for President's Cabinet was an invitation for Vance Olson to join the President's Cabinet.

XI. New Business

Laura and Kris gave a demonstration on how to nominate someone for a Campus KUDOS award. Rita Slator suggested informing everyone about the Campus KUDOS award.

XI. Announcements

Anna Sheppard's birthday today, Happy Birthday Anna Sheppard.

XII. Adjourn

Meeting adjourned at 10:34 a.m.

Scheduled meetings:

- *Executive Committee: Wednesday, January 19, 9:30-11:00, MU Gunkelman*
- *Staff Senate: Wednesday, February 2, 9:30-11:00, MU Prairie Rose Room*

Policy Change Cover Sheet

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



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

SECTION: *Section 812: Allowable Cost Policies-Miscellaneous*

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

- *Add #13. OFFICE SUPPLIES. Need to clarify office supply expenses.*
- *Numbering needs to be changed from that point on.*

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

- *Grant and Contract Accounting 11/19/2010*
- *Joann.swanson@ndsu.edu*

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

This portion will be complete by Kim Matzke-Ternes

Policy
Committee: 12/08/10

University [12/16/10 – ROUTE FOR INFORMATION](#)

Senate:

Staff Senate:

[12/16/10 – ROUTE FOR INFORMATION](#)

President's

Council: [12/16/10 – ROUTE FOR INFORMATION](#)

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

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Thank you for your understanding!

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POLICY MANUAL

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

SECTION 812:ALLOWABLE COST POLICIES-MISCELLANEOUS

SOURCE: NDSU President

1. **ADVERTISING COSTS.** The term advertising costs means the costs of advertising media, such as magazines, newspapers, radio and television programs, direct mail, and exhibits.

Advertising costs for the recruitment of personnel required for the performance of obligations under the sponsored agreement, the procurement of goods and services for the performance of the sponsored agreement, the disposal of scrap or surplus materials acquired in the performance of the agreement, and other specific purposes necessary to meet the requirement of the sponsored agreement are allowable as direct charges to an agreement.

The dates of the advertisement must correspond to the dates of the agreement to be charged.

If an advertisement benefits more than one sponsored agreement, the cost of the advertisement should be allocated between all agreements benefited.

The Accounts Payable Voucher should include the dates of the advertisement and the content of the ad if the information is not clearly provided on the invoice from the vendor.

1.1

On federal funds, the only allowable public relations costs are those specifically required by sponsored agreements.

Costs of promotional items and memorabilia including models, gifts and souvenirs are unallowable.

2. **COMMENCEMENT AND CONVOCATION COSTS.** These costs are not allowable as direct charges to sponsored agreements.
3. **COMMUNICATION COSTS.** Costs incurred for long distance telephone calls and facsimiles are allowable on sponsored agreements. If personal calls are made by an individual within a department, the cost of the call must not be allocated to any sponsored agreement.

3.1

Local telephone costs, which includes purchase, installation, and monthly line charges, should normally be charged to a source other than the federal program. This also applies to the cost of pagers, cellular telephone, and facsimile lines, except where required by the projects' scope of work and approved by the sponsor in the project budget.

3.2

Postage should normally be charged to a source other than the federal program, unless the expense can be shown to be a significant part of the project or activity, and the expense is for the sole direct technical benefit of the project. Postage for routine correspondence, including correspondence with the sponsoring agency should not be direct charged to the project.

4. CONTINGENCY PROVISIONS. Contributions to a contingency fund or any similar provision are unallowable against sponsored agreements.
5. ENTERTAINMENT COSTS. Costs incurred for amusement, social activities, entertainment, and any items relating, such as meals, lodging, rentals, transportation, and gratuities are unallowable.
6. MEALS AND MEETINGS. The costs incurred in hosting official guests are allowable provided the expense incurred has a direct benefit on the agreement being charged. No alcoholic beverages may be reimbursed.

6.1

Costs of meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, rental of facilities, and other items incidental to such meetings or conferences.

The request for reimbursement should include names of all attendees, date(s) of meeting, and purpose(s) of the meeting.

7. FINES AND PENALTIES. Costs resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the sponsored agreement, or instructions in writing from the contracting officer or equivalent.

Late fees and penalties resulting from failure to pay an invoice in a timely manner are also unallowable against sponsored agreements.

8. INSURANCE AND INDEMNIFICATION. Costs of insurance required or approved and maintained for a specific sponsored agreement are allowable.

If an agency requires the institution to provide a specified amount of liability insurance during the life of the agreement, the sponsored agreement should be directly charged for the cost of the insurance coverage.

9. INTEREST, FUND RAISING, AND INVESTMENTS. Costs incurred for interest on borrowed capital or temporary use of endowment funds are unallowable.

Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable.

10. MAINTENANCE AND REPAIR COSTS. Cost incurred for necessary maintenance, repair or upkeep of property which neither add to permanent value nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.
11. MATERIAL COSTS. Costs incurred for the purchase of materials, supplies, and fabricated parts directly or indirectly sponsored agreement are allowable.

If the materials used were taken from stockrooms not recognized as specialized cost centers of the University, the cost of the materials charged should be substantiated by referencing the original purchase transaction for verification of the cost charged.

12. MEMBERSHIPS, SUBSCRIPTIONS, AND PROFESSIONAL ACTIVITY COSTS. Costs of the institution's membership in business, technical, and professional organizations are allowable. The cost of individuals' memberships, which are incurred primarily to represent the institution in business, technical, and professional organizations are allowable.

Costs of the institution's subscriptions to business, professional, and technical periodicals are allowable. If the subscription is in the name of an individual, the cost is still allowable provided the subscription is received at an on-campus address.

The cost of such memberships, subscriptions, and professional activity costs should be allocated among all activities benefiting from the expense.

When a membership, subscription, or professional activity cost is incurred solely for the benefit of one project, that fact should be explained on the Request for Payment so that clarification is given to the charge.

The dates of the membership, subscription, or professional activity cost should correspond to the effective dates of the agreement. This is not to say that an annual membership for the calendar year may only be charged to a agreement running on the calendar year, but that some benefit from the membership should be recognized during the effective dates of the agreement.

NOTE: Under federal agreements, the above mentioned memberships are allowable only if approved in the budget. Memberships in civic or community organizations are unallowable.

13. OFFICE SUPPLIES

For grant funding received from federal sources, general purpose office supplies are not normally allowable as direct costs. These costs are considered to be part of University overhead and are to be treated as F & A (facilities and administrative costs). Any direct charges need to be budgeted for and approved by the sponsor.

~~13.~~14. PROFESSIONAL SERVICES OR CONSULTANT COSTS. This section applies only to non-employees of North Dakota State University. See Section 805, Compensation for Personal Services, for rules applying to employees.

Costs of professional services rendered by the members of a particular profession who are not employees of the institution are allowable when reasonable in relation to the services rendered.

Certain agencies require prior approval for the use of consultants and/or limit the amount of consultant payments. Contact the Office of Grant and Contract Accounting for assistance.

~~13.14.1~~

When submitting an Accounts Payable Voucher for professional services, the following information should be provided:

1) the name of the consulting firm or individual consultant;

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- 2) the nature of the services rendered and their relevance to the sponsored activity, if not apparent from the nature of the work performed;
- 3) the date the services were performed;
- 4) the basis for calculating the fee paid; e.g., rate per day or hour worked or rate per unit of service rendered; and
- 5) a certification statement from the Principal Investigator as follows:
"I HAVE REVIEWED AND APPROVED THE WORK PERFORMED BY (name). I FOUND THE WORK TO BE SATISFACTORY AND IN ACCORDANCE WITH THE ESTABLISHED POLICIES OF THE SPONSORED AGREEMENT."

Signed Principal Investigator

The University will not issue payment for services until the actual work has been performed.

4-15. PROPOSAL COSTS. Proposal costs are the costs of preparing bids or proposals, including the development of data necessary to support the institution's bids or proposals and the cost of mailing the information to the agency. These costs are to be treated as indirect costs only. They are unallowable as direct charges to a sponsored agreement.

5-16. PUBLIC INFORMATION SERVICES COSTS. Cost of news releases pertaining to specific research or scientific accomplishment are allowable, when they result from performance of sponsored agreements.

6-17. REARRANGEMENT AND ALTERATION COSTS. Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approved in advance by the sponsoring agency.

7-18. RENTAL COSTS OF BUILDINGS AND EQUIPMENT. Rental costs under "sale and lease back" arrangements are allowable only up to the amount that would be allowed if the institution continued to own the property.

Rental costs under "less-than-arms-length" leases are allowable only up to the amount that would be allowed if the institution owned the property.

The Accounts Payable Voucher should state the period of time the rental costs are covering and the cost of the item if it were being purchased instead of being leased.

8-19. SCHOLARSHIP AND STUDENT AID COSTS. Costs of scholarships, fellowships, and other programs of student aid are allowable only when the purpose of the sponsored agreement is to provide training to selected participants and the charge is approved by the sponsoring agency.

All scholarship and student aid costs should be reported to the Financial Aids Office to be included with the student's financial support records.

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~~9-20.~~ 9-20. STUDENT ACTIVITY COSTS. Costs incurred for intramural activities, student publications, student clubs, and other student activities, are unallowable, unless specifically provided for in the sponsored agreement.

~~10-21.~~ 10-21. SPECIALIZED SERVICE FACILITIES. The costs of institutional services involving the use of highly complex or specialized facilities such as electronic computers and analysis laboratories are allowable, provided the charge for the service meets the following conditions:

A)

the cost of each service normally shall consist of both its direct costs and its allocable share of indirect costs with deductions for appropriate income;

B)

the cost of such institutional services will be charged directly to users, including sponsored agreements based on actual use of the services and a schedule of rates that does not discriminate between federally and non federally supported activities of the institution.

~~2021.1~~ 2021.1

Departments operating a specialized service facility must establish a system of tracking all costs incurred in operating the facility. The costs involved in operating the facility should be allocated among the various services performed by the facility. The Controller's Office and Office of Grant and Contract Accounting are available to assist with establishing a system for tracking costs and establishing rates for such facilities.

~~2021.2~~ 2021.2

Activities funded by external grants or contracts shall be subject to a charge for the use of University computer facilities. The charges will be based on the actual costs of operation of such facilities.

All proposals with activities that require computer use shall include a budget item for the amount of estimated use. Current rates may be obtained from the service provider.

Funded proposals of this nature are communicated to the service provider to establish a unique user account number for charges.

Basing rate charges upon the going rate of other commercial or private enterprises is not an acceptable method of establishing verifiable rates. The rates charged must correspond to the costs of operating the facility.

Rates charged for specialized service facilities which are not based upon a costing method as described above, will be unallowable against federally sponsored agreements.

~~11-22.~~ 11-22. LOBBYING. Costs of lobbying activities to influence legislative activity are unallowable. This includes travel costs involved in visiting legislators when the primary purpose of the visit is to seek assistance in securing federal funds. Costs involved in hosting receptions for legislators are also unallowable.

~~12-23.~~ 12-23. HONORARIA. Honoraria are unallowable if the primary intent of the cost is to confer distinction on, or to symbolized respect, esteem, or admiration for, the recipient.

Honoraria that constitute a payment for services rendered, such as a speaker's fee are allowable. These costs should be called "Speaker Fees" as opposed to Honoraria when submitting the Accounts Payable Voucher.

~~2223.1~~ 2223.1

The Accounts Payable Voucher should include the following:

A)

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- the name of the individual speaking;
- B) the nature of the service provided;
- C) the date the service was performed; and
- D) the basis for calculating the fee paid.

13.24. MOVING COSTS. Moving costs incurred by new or relocating employees may not be charged to federal funds without specific approval from the awarding agency.

HISTORY: July 1990; Amended April 1992; May 1996, September 2007.

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

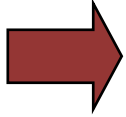
[NDSU PolicyManual](#)

Last Updated: Thursday, June 3, 2010

Published by North Dakota State University

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

SECTION: *Section 821:EFFORT REPORTING/*Personnel Activity Confirmation

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - *Make changes in wording to clarify.*
 - *12/08/2010 kt_PCC asked that "mailed" be changed to "distributed" and the title include "Personnel Activity Confirmations"*

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

- *Grant and Contract Accounting 11/19/2010*
- *Joann.swanson@ndsu.edu*

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

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: 12/08/2010; changes were made by PCC, then ok to route

University 12/16/10 route for information v2

Senate:

Staff Senate:

12/16/10 route for information v2

President's

Council: 12/16/10 route for information v2

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Thank you for your understanding!

NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: [NDSU Policy Manual](#)

SECTION 821: PERSONNEL ACTIVITY CONFIRMATIONS EFFORT REPORTING/PERSONNEL ACTIVITY CONFIRMATION

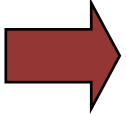
SOURCE: NDSU President

1. Personnel Activity Confirmations forms are distributed ~~quarterly after the end of each semester~~ to all employees who are paid from sponsored agreements or contributing effort on sponsored agreements. This is a requirement of the federal government and care must be given to insure that the form clearly reflects the actual effort for each individual.
2. The reports are an after-the-fact reporting of the percentage of activity of each employee. Estimates may be made before the services are performed, but effort percentages must be adjusted promptly if differences exist from the actual effort expended on each project. When working on a Federal project the effort contributed to the project must equal or exceed the payment received from the project.
3. To confirm that the distribution of activity represents a reasonable estimate of the work performed by the employee during the period, each report will be signed by the employee or by a responsible official having first hand knowledge of the work performed. Departmental administrative assistants do not have signature authority. The responsible official should be the Department Chair or the Principal Investigator of the project for whom the employee is working.
4. The Personnel Activity Confirmation is also used to reflect cost share on sponsored agreements. The Office of Grant and Contract Accounting may preset the effort allocation to projects where cost sharing is involved. However, if the pre-set percentages are not an accurate reflection of the effort of the employee, corrections should be made to reflect the actual effort. See Section 814 for an explanation of the calculation.
5. The Personnel Activity Confirmations forms are ~~mailed distributed quarterly after the end of each semester~~ to each responsible department along with a checklist of all individuals receiving forms for that department. The department should distribute the forms for certification. The signed forms should be returned promptly to the Office of Grant and Contract Accounting ~~after all the forms on the checklist have been collected~~.

HISTORY: July 1990; Amended April 1992; June 1996, August 2007; October 2007.

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SECTION: *Section 122: Payroll Checks-Distribution*

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

- *The language in item 2 is being modified, item 2.1 and item 3 removed entirely. This change is being initiated because direct deposit advice slips will no longer be printed for NDSU employees after December 31, 2010.*

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

- *HR/Payroll Office*
- *Colette Erickson, Colette.Erickson@ndsu.edu*

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

This portion will be complete by Kim Matzke-Ternes

Policy Presented 12/08/10; 12/08/10 Kim will remove the header "2.1" and save as V2

Committee:

University

Senate: 12/16/10 route v2 12/08/10 for input

Staff Senate:

12/16/10 route v2 12/08/10 for input

President's

12/16/10 route v2 12/08/10 for input

Council:

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Thank you for your understanding!

SECTION 122: PAYROLL CHECKS - DISTRIBUTION

SOURCE: NDSU President, NDUS Human Resource Policy Manual, Section 5.2

1. Payday shall be the last day of the month for the period from the first day of the month to the fifteenth day of the month, and the fifteenth day of the following month for the period from the sixteenth day of the month to the end of the month; however, if the pay date should fall on a Saturday, Sunday, or holiday, the preceding work day shall be payday. Effective not later than for the pay period beginning July 1, 2008 and subject only to individual exceptions in exceptional circumstances as approved according to institution or system office procedures, employee wages shall be paid with direct deposit in the financial institution of the employee's choice. Institutions and the system office may enact implementing procedures defining exceptional circumstances under which individual exceptions to mandatory direct deposit may be approved by an authorized institution or system official.
- ~~2. Statements of Earnings, taxes and deductions for those individuals paid under the method noted in Section 127 and 128 are available to view online under ND HE Self Service in [Oracle/PeopleSoft HRMS](#) no later than two business days prior to each payday. ~~distributed to the department via campus messenger on payday. Employees working in off campus locations will have their statements of earnings and deductions mailed to them at their work address.~~~~

~~2.1~~

~~Unclaimed statements of earnings and deductions for employees should be returned to Human Resources/Payroll within two months from the date of issue.~~

- ~~3. Individuals in need of having their statement of earnings and deductions mailed to them should submit a written request to their employing department. The request should include name, Empl ID number, and mailing address.~~

HISTORY: July 1990; Amended April 1996; August 1997; May 1998; May 2004, October 2007; February 2009

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SECTION: *158 – Acceptable Use of Electronic Communications Devices*

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

Add Paragraph 9 – Electronic Recording of Meetings Prohibits secretly rendering meetings

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

General Counsel

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

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: Presented to PCC 09/22/10; brought back to pcc with further changes v2 092710

University

Senate: 10/13/10 V3 routed for input

Staff Senate: 10/13/10 V3 routed for input

President's 10/13/10 V3 routed for input

Council:

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

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy.

If you have suggestions on formatting, please route them to kim.matzke-ternes@ndsu.edu.

All suggestions will be considered, however due to policy format guidelines, they may not be possible.

Thank you for your understanding!

NDSU

NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: [NDSU Policy Manual](#)

SECTION 158: ACCEPTABLE USE OF ELECTRONIC COMMUNICATIONS DEVICES

SOURCE: SBHE Policy Manual, Section 1901.2 (Computing Facilities)

1. All employees, students, and other users of North Dakota University System computing and networking resources shall comply with applicable laws, policies, and procedures. The chancellor shall adopt procedures establishing rules governing access to and use of computing and networking resources.
2. NDUS Procedure [1901.2](#), "Computer and Network Usage," contains specific policies, procedures, rights, and responsibilities which also apply to NDSU. See: <http://www.ndus.nodak.edu/policies/ndus-policies/subpolicy.asp?ref=2551>.

Of central importance in this document are the definitions of "Authorized Use" and "Authorized Users" from section 1:

"Authorized use: Use of computing and networking resources shall be limited to those resources and purposes for which access is granted. Use for political purposes is prohibited. Use for private gain or other personal use not related to job duties or academic pursuits is prohibited, unless such use is expressly authorized under governing institution or system procedures, or, when not expressly authorized, such use is incidental to job duties or limited in time and scope, and such use does not: (1) interfere with NDUS operation of information technologies or electronic mail services; (2) burden the NDUS with incremental costs; or (3) interfere with the user's obligations to the institution or NDUS."

"Authorized user(s): Computing and networking resources are provided to support the academic research, instructional, outreach and administrative objectives of the NDUS and its institutions. These resources are extended to accomplish tasks related to the individual's status with NDUS or its institutions. Authorized users are (1) current faculty, staff and students of the North Dakota University System; (2) individuals connecting to a public information service (see section 5.3); and (3) other individuals or organizations specifically authorized by the NDUS or an NDUS institution. For the purposes of this policy, no attempt is made to differentiate among users by the user's group. These

policies treat all users similarly, whether student, faculty, staff or other authorized user, in terms of expectations of the user's conduct."

3. Examples of **Electronic Communications Devices** (ECD) include NDSU provided computers, telephones, cell phones, facsimile (fax) machines, personal digital assistants (PDA's), network equipment and infrastructure, software, information services, peripherals, flash drives, data media, etc. Use of some of these devices may also be affected by other policies or procedures and local, state, and federal laws. In particular, NDSU Policy Section 710 contains further administrative policy on Computer and Electronic Communications Facilities.
4. Examples of uses which NDSU considers to be **unauthorized and unacceptable uses** of NDSU provided electronic communications devices include but are not limited to: intentionally viewing, listening to, or sharing obscene or pornographic materials including child pornography; political use; personal commercial gain; copyright (DMCA) violations; hacking or other disruption of operations for other ECD's; attempting to conceal one's identity (such as anonymous emails) for an unlawful or improper purpose or use of a false identity; threatening communications; harassment; use contributing to a hostile, intimidating, or offensive work environment; fraud; stalking; luring of minors; and invasion of privacy.
5. The **Acceptable Use Review Committee** (AURC) is charged with establishing recommended procedures and working with NDSU administrators and the NDSU Information Technology Security Officer to ensure consistent responses to alleged violations of this policy. The members of the AURC are the:

Director of Human Resources/Payroll
~~Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~
~~Vice President for Equity, Diversity and Global Outreach,~~
University General Counsel, and
Associate Vice President for Information Technology and Chief Information Officer
or their designees. Procedures are published at <http://www.ndsu.edu/its/security/au/>.
6. **Alleged violations** of this policy by employees should be reported to the NDSU Information Technology Security Officer and the responsible administrator at the Dean or Director level or higher. The administrator and NDSU IT Security Officer in turn will work with the AURC to assess the situation and recommend an appropriate course of action. The person accused of the violation should not be notified until this discussion has taken place. Allegations concerning students who are not employed by NDSU are guided by the Code of Student Behavior (See Policy Section 601). The outcome of an investigation might include a finding of no violation, a violation of policy or law, and/or referral to law enforcement for criminal investigation.
7. **Sanctions** for violations of policy or law include but are not limited to one or more of the following actions: verbal caution; letter of warning; loss of computer and/or network access; referral to the Employee Assistance Program, training, or education; letter of reprimand; suspension with or without pay; and termination of employment.

8. Employee **questions** about acceptable use should be directed to their supervisors. Supervisors and administrators may contact AURC members or the NDSU IT Security Officer in Information Technology Services (231-8685 option 1) if they have questions.
9. Employees may not secretly record meetings (whether audio, video or photographic) in the workplace without prior approval of their ~~supervisor~~ appropriate Vice President. Such recordings, when done secretly, can undermine relationships and trust. An employee has no legal right to record meetings, and a supervisor normally does not have to permit such recordings, even when openly done.

HISTORY: April 15, 1988, October 2004, March 2006, October 2007.

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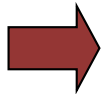
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Policy Change Cover Sheet

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



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

SECTION: 335: Code of Academic Responsibility and Conduct

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

- Provides descriptive section headings for numbered sections; reorganize for clarity.
- Adds definitions of "instructional staff member" and "student" (Section 1).
- Adds examples of behavior constituting academic misconduct (Section 2).
- Adds responsibility of instructional staff to inform student of judgment, penalty, and right to appeal (Section 4.d, 5.c).
- Specifies procedures for imposing penalties for academic misconduct (Section 5).
- Adds procedure and means for tracking repeat offenses (Section 5.c.d).
- Specifies procedures for dealing with students not enrolled in course in which misconduct occurred (Section 6).
- Specifies procedures for dealing with repeat offenders (Section 7).
- Specifies procedures for non-graduate student appeals (Section 8).
- Specifies procedures for suspension or expulsion of non-graduate students (Section 9).
- Updates and specifies procedures for graduate student academic misconduct, including appeals (Section 10).
- Updates and specifies procedures for individuals who are not NDSU students (Section 11).
- Adds -paragraph 12 regarding responsibilities and actions on rescinding a degree.
- Adds language clarifying the priority of college honor commissions.

~~Adds paragraph 12 regarding responsibilities and actions on rescinding a degree.~~

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

University Senate
General Counsel

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

This portion will be complete by Kim Matzke-Ternes

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Policy Committee: Policy 335 Version ~~24556 11/19/10 1105/102406/09201010/1/2010~~
10/14/09 presented to the PCC; 10/13/10 V5 presented to the PCC; 11/10/10 tabled at PCC;
11/19/10 received further updates (V6) from Faculty Senate to pass to PCC and Staff Senate.

University Senate: 10/21/09 routed to US Exec for Input; 11/27/09 routed version 4 with updates from General Counsel; 10/13/10 routed V5 for input; 11/19/10 V6 routed for input; 12/13/10 approved.

Staff Senate: 10/27/09 routed for input; placed policy on consent agenda; 10/13/10 routed V5 for input; 11/19/10 V6 routed for input; 12/16/10 rerouted current version (v6 111910) for approval again.

President's Council: 10/27/09 routed for input; 10/13/10 routed V5 for input; approved

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

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NDSU

NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

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

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 students engage in academic misconduct ~~cheating~~ ~~occurs~~, either inadvertently or deliberately. This ~~Code~~ ~~policy~~ ~~will~~ ~~serve~~ as the guideline for cases ~~where in which~~ cheating, plagiarism, or other academic ~~improprieties~~ ~~misconduct~~ have occurred in an instructional context (e.g., coursework, exams for degree requirements, practical experience, or fieldwork experience). Depending on the nature of the alleged offense, academic misconduct involving graduate or undergraduate research (e.g., thesis, dissertation, honors thesis), may be handled by either this policy or policy 326, ACADEMIC MISCONDUCT. This policy ~~Code~~ also serves as the guideline for cases in which there is evidence of student academic misconduct in more than one instance.

Procedures established by an academic college (including the College of Graduate and Interdisciplinary Studies), may exceed the minimum standards outlined in this policy. Academic colleges with an approved and published honor commission (or similar mechanism) may employ alternative procedures; however, the standards of expected behavior shall not be less than those in this policy. In all cases, the procedures presented in this policy for tracking academic misconduct must still be followed; see Sections 5.c and 5.d of this policy and an established procedure has not been approved by the faculty of a college such as the Honor System of the College of Agriculture.

1. Definitions. In this policy, an "instructional staff member" is defined to be anyone who has primary responsibility for a course, or other instructional context to which this policy applies. Examples of instructional staff members include tenured and tenure-track faculty members, professors of practice, teaching assistants who have primary responsibility for a course, teaching fellows, instructors, and lecturers.

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In this policy, a "student" is defined as anyone enrolled in undergraduate, professional, or graduate coursework at NDSU. These students include individuals in a non-degree status, such as those taking NDSU courses through a collaborative, consortium, exchange, or early admission program, or in a conditional admit status (e.g., Tri-College, NDUS Collaborative Registration, and Early Entry/dual credit program).

2. ~~Examples of behavior constituting academic misconduct.~~ Academic misconduct (intentional or otherwise) includes but is not limited to the following:

- a. Plagiarizing, i.e., submitting work that is, in part or in whole, not entirely one's own, without attributing such portions to their correct sources:
 - i. ~~Unauthorized collaboration with other students and representing it as one's own individual work also is considered plagiarism;~~
 - ii. Cases of apparently unintentional plagiarism or source misuse must be handled on a case-by-case basis and in the context of the instructor's policies. Unintentional plagiarism may constitute academic misconduct.
 - iii. Improper attribution of sources may be a symptom of bad writing and not plagiarism. Instructors are encouraged to recognize that citation skills are developed over time and are contextual. ~~Unintentional plagiarism is still plagiarism;~~
- b. Receiving, possessing, distributing or using any material or assistance not authorized by the instructional staff/faculty member in the preparation of papers, reports, examinations or any class assignments to be submitted for credit as part of a course or to be submitted to fulfill College other academic requirements;
- c. ~~Unauthorized collaborating on individual assignments or representing work from unauthorized collaboration as independent work;~~
- d. Arranging to have others take examinations or complete assignments (e.g., papers, reports, laboratory data, or products) for oneself, ~~unauthorized collaborating with another student on individual assignments or doing academic work for another student;~~
- e. ~~Stealing, or otherwise improperly obtaining -copies of an examination or assignment before or after its administration, and/or passing it onto other students;~~
- f. ~~Unauthorized copying, in part or in whole, of exams or assignments that will be kept by the instructional staff/faculty member, including those and are handed out in class only for review purposes;~~
- g. ~~Altering or correcting. Knowingly submitting a paper, report, presentation, examination, or any class assignment, in part or in whole, without the instructional staff member's permission, and submitting that has been altered or corrected, in part or in whole, for re-evaluation or re-grading, without the faculty member's permission;~~
- h. Misrepresenting one's attendance or the attendance of others (e.g., by PRS or attendance sheet) in a course or practical experience where credit is given and/or a mandatory attendance policy is in effect;
- i. ~~Fabricating org, i.e., falsifying data/information in research, papers, and/or reports;~~

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- j. ~~Aiding or abetting academic misconduct, i.e., knowingly giving assistance not authorized by the instructional staff~~ ~~faculty member to another in the preparation of papers, reports, presentations, examinations, or laboratory data and products;~~
- k. ~~Unauthorized copying of another student's work (e.g., data, results in a lab report, or exam) without his or her knowledge;~~
- l. ~~Tampering with or destroying materials. (e.g., in order to impair another student's performance);~~
- ~~Utilizing false, or misleading information (e.g., illness or family emergency) to gain extension and/or exemption on an assignment or test.~~
- m.

The A

~~1-3. The university culture of academic honesty. A primary responsibility of the students, faculty members~~ ~~instructional staff members, staff members,~~ and administrators ~~is~~ to create an atmosphere ~~where in which the academic honesty, integrity, and fair play are the norm and academic misconduct is minimized.~~ ~~of individuals will not be questioned.~~

~~a. Faculty~~ ~~Instructional staff~~ members are responsible for providing guidelines concerning ~~cheating academic misconduct and plagiarism~~ at the beginning of each course ~~in each class syllabus,~~ and should use precautionary measures and security ~~to discourage academic misconduct in cases where cheating is likely to occur.~~

~~a.~~
~~2-b.~~ Students are responsible for submitting their own work. Students who ~~cooperate on oral or written examinations or work without authorization share the responsibility for violation of academic principles and the s~~ Students are subject to disciplinary action even when ~~one of the students is not enrolled in the course where the violation academic misconduct occurred.~~

~~3-Fairness. The Faculty~~ ~~Instructional staff members~~ and the administrators ~~is~~ are responsible for procedural fairness to ~~the any accused student accused of academic misconduct, or students in accordance with the following procedure: An i-nstructional staff~~ ~~faculty member who suspects that academic misconduct has occurred in his/her class or other instructional context has an initial responsibility to:~~

- ~~4.~~
 - a. ~~Faculty members who suspect that prohibited academic conduct has occurred in their class have an initial responsibility to:~~ 1) ~~inform the student or students involved of his/her~~ ~~their~~ suspicion and the ~~suspicion's~~ grounds;
 - b. 2) ~~allow a fair opportunity for the student to respond; and~~
 - c. 3) ~~make a fair and reasonable judgment as to whether or not any prohibited academic misconduct occurred; and~~

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~~a.d.~~ inform the student of the judgment, penalty (if any), and the student's right to appeal. See also Section 5.c of this policy.

5. 4P. ~~Penalties from instructional staff members for academic misconduct. Instructional staff~~ Faculty members have the prerogative of determining the penalty for ~~prohibited~~ academic misconduct in their classes ~~and other instructional contexts.~~ Faculty members may, among other sanctions, fail the student for the particular assignment, test, or course involved.

a. ~~a.~~ Penalties may be varied with the gravity of the offense and the circumstances of the particular case. Penalties may include, but are not limited to, failure for a particular assignment, test, or course.

a.

~~b.~~ In this situation, ~~If an i~~nstructional staff ~~faculty~~ member imposes a penalty, the student may not drop the course in question without the permission of the ~~instructor~~ instructional staff faculty member. (The instructional staff faculty member is responsible for notifying the Registrar to prevent the student from dropping the class.)

b.

~~b. c.~~ If a ~~n i~~nstructional staff ~~faculty~~ member imposes a penalty, the instructional staff ~~faculty~~ member must complete the Student Academic Misconduct Tracking Form and submit copies to the student, ~~his/her~~ will provide a written statement of the action to the ~~department~~ the chair/head of the instructional staff member's primary department, or; the program director if the student is enrolled in an interdisciplinary program. It is the chair/head or program director's responsibility to forward copies of the tracking form to the dean of the college of the student's primary major, the dean of the instructional staff ~~faculty~~ member's primary college, the Registrar, and the Provost/VPAA and Vice President for Academic Affairs. In the case of the graduate students, academic misconduct, the ~~graduate~~ Dean of the College of Graduate and Interdisciplinary Studies also must receive a copy of the completed Student Academic Misconduct Tracking Form. ~~will also be notified.~~

c.

~~e. d.~~ Within three class days of receiving the Student Academic Misconduct Tracking Form, the Registrar shall enter the information from the Student Academic Misconduct Tracking Form into a FERPA compliant Student Academic Misconduct Database.

d.

e. In cases of particularly egregious academic misconduct, the dean of the college of the student's primary major or the dean of the college where the academic misconduct occurred may recommend suspension or expulsion as outlined in Sections 9 and 10 of this policy.

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~~6. 5. Penalties from instructional staff members for students not enrolled in course. In addition to the prerogative above, or if the student involved in a case of academic misconduct is not enrolled in his or her the course in which the violation academic misconduct occurred, the instructional staff faculty member teaching that course may recommend a disciplinary sanction penalty to the dean of the instructional staff faculty member's primary college, in which the infraction occurred. If the student is not enrolled in this a different college, the dean will forward the recommendation charge to the dean of the college of the student's home college primary major.~~

~~a. a. That~~ The dean of the college of the student's primary major may impose academic warning or probation in the college, according to established college policy.

~~b. Alternatively, the dean of the college of the student's primary major may recommend suspension or expulsion to the Academic Standards Committee (http://www.ndsu.edu/fileadmin/vpaa/POLICIES_FOR_NDSU_UNIVERSIY_ACADEMIC_STANDARDS_COMMITTEE-Rev_6_22_10.doc), as outlined in Sections 9 and 10 of this policy.~~

~~7. Penalties for students with multiple instances of academic misconduct. If, when entering an instructional staff member's report into the Student Academic Misconduct Database, it is discovered that the student has a prior record of academic misconduct, the Registrar shall notify the Provost/VPAA and dean of the college of the student's primary major about the student's repeated academic misconduct.~~

~~or the~~

~~b. b. Alternatively, the dean may recommend suspension or expulsion to the Academic Standards Committee, as outlined in Section 411 [of this policy]. If the student is not enrolled in the college where the infraction occurred, the dean of the college for the student must be informed before the disciplinary sanction is imposed and may impose a disciplinary sanction for that college, also.~~

~~6. Accusations involving academic misconduct of graduate students will follow the procedure described in Sections 4 and 5 with the following exception. The dean of the home academic college of the student's primary major will recommend a sanction penalty (which may include academic warning, academic probation, suspension, or expulsion) to the graduate dDean of the College of Graduate and Interdisciplinary Studies, not the Academic Standards Committee.~~

~~a. The graduate dDean of the College of Graduate and Interdisciplinary Studies will provide the student with written notice of the following:~~

~~i. of the action taken;~~

~~ii. describe description of the graduate student appeal process, and indicate to the student the date by which an appeal must be filed by the student, should the student choose to file an appeal. Failure to file an appeal will result in implementation of the specified action.~~

~~b. If an appeal is filed, the graduate dDean of the College of Graduate and Interdisciplinary Studies will notify the student of the result following the completion of the appeal process.~~

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~~c. Failure to file an appeal will result in implementation of the specified action.~~

~~d. If the student is suspended or expelled, the Dean of the College of Graduate and Interdisciplinary Studies shall notify the Registrar.~~

~~7. If a person not currently enrolled at NDSU is involved in prohibited academic misconduct, the faculty member shall send a written statement describing the violation to the Provost/VPAA, and Vice President for Academic Student Affairs, Registrar, Vice President for Student Affairs, and the Director of Admission shall be informed of the violation for appropriate action. Appropriate action may include, but is not limited to, holds being placed on admission or readmission to the university.~~

~~8. If, when entering a faculty member's report into the Student Academic Misconduct Database, it is discovered that the student has a prior record of academic misconduct, the Registrar shall notify the Provost/VPAA and dean of the college of the student's current primary major about the student's repeated academic misconduct.~~

~~Any prior history of academic misconduct shall be taken into account when determining penalties for a current offense.~~

~~a. In case of repeat offenses, the Provost/VPAA and/or the Provost/VPAA and/or the dean of the college of the student's primary major, may recommend additional penalties up to and including suspension or expulsion to the Academic Standards Committee, as outlined in Sections 9 and 10 Section 11 of this policy.~~

~~b. In the case of graduate student academic misconduct, the Dean of the College of Graduate and Interdisciplinary Studies also must also be notified.~~

~~8. Non-graduate student appeals for penalties from instructional staff members. A student who has received a penalty from an instructional staff member for academic misconduct may appeal the penalty on one or more of the following bases: the penalty was too severe for the offense; the instructional staff member's decision was made in an arbitrary or capricious manner; the instructional staff member's decision was not substantiated by adequate evidence; or the student's rights were violated. If the student chooses to appeal the instructional staff member's penalty, the student must initiate the appeal process within fifteen class days after the beginning of the following semester. For spring or summer courses, the appeal must be initiated within fifteen class days of the start of the fall semester. The student must appeal the penalty in writing. The appeal must be pursued in the following sequence: the instructional staff member, the chair/head of the instructional staff member's primary department, and the dean of the instructional staff member's primary college.~~
~~9. An undergraduate student who has received a penalty from a faculty member for or a disciplinary sanction, academic misconduct, for prohibited academic conduct may appeal the decision.~~

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1.

a. ~~The student must consult (in sequence) with the instructor faculty member, the faculty member's department chair/head, and the faculty member's Dean, in sequence, to resolve the conflict to appeal the decision.~~

2.

a.

~~If, after the appeal consultations outlined in Section 89.a., the appeal is not granted. Then,~~ the student may request a hearing by the Student Progress Committee in the college where the ~~academic misconduct violation~~ occurred ~~to appeal the penalty.~~ ~~In addition,~~ ~~the student may request that two additional students be appointed to the Student Progress Committee for the hearing;~~ one student shall be a member of the Student Court appointed ~~to the Student Progress Committee~~ by the Chief Justice of the Student Court, and the other student shall be a student senator for that college appointed ~~to the Student Progress Committee~~ by the ~~Student Body~~ President.

b.

~~e. The outcome of the appeal shall be communicated to the Registrar by the Student Progress Committee within three class days after the Student Progress Committee has made its final decision. The decision of the Student Progress Committee is final.~~

i.

~~ii. If the Student Progress Committee decides that no academic misconduct has occurred, then the Registrar shall delete all relevant information relating to the case from the Student Academic Misconduct Database. Otherwise, the Registrar shall enter the decision of the Student Progress Committee into the Student Academic Misconduct Database.~~

~~2.10. A graduate student may be suspended or expelled for prohibited academic conduct by the Academic Standards Committee in accordance with the following procedure: who has received a penalty for academic misconduct may appeal the decision with the Graduate Student Appeals Committee, as outlined in the current NDSU Graduate Bulletin.~~

3.

9. ~~Suspension or expulsion at the university level of non-graduate students. In cases of particularly egregious academic misconduct, a student may be suspended or expelled for academic misconduct in accordance with the following procedure:~~

a. ~~If the dean of the college of the student's primary major or the dean of the college where the academic misconduct occurred decides that suspension or expulsion is warranted, that dean shall recommend suspension or expulsion to the Academic Standards Committee. At the same time, the dean who recommends suspension or expulsion also shall notify the student of this action and inform the student of the hearing and response options described in Sections 9.b. and 9.c. of this policy.~~

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- b. The student has ~~twofive~~ class days after receiving the dean's notification to request a hearing from the Student Progress Committee (or Honor Commission or similar body) in the college of the dean who has recommended suspension or expulsion.
 - i. Such hearings shall be held in accordance with college policy.
 - ii. The Academic Standards Committee shall take no action on the case before a hearing is concluded.
 - iii. The Student Progress Committee (or Honor Commission or similar body) shall forward its decision and appropriate hearing information to the student, the dean who recommended suspension or expulsion, the dean of the college of the student's primary major, and the Academic Standards Committee.
- c. The student has ~~twofive~~ class days after receiving notification to respond to the dean's recommendation and/or the hearing outcome in a written statement submitted to the Academic Standards Committee.
- d. If the Academic Standards Committee decides that suspension or expulsion is warranted, the committee chair shall recommend suspension or expulsion to the Provost/VPAA. At the same time, the committee chair also shall notify the student of its decision and inform the student that he/she has the right to respond to the recommendation, as described in Section 9.e. of this policy.
- e. The student has ~~twofive~~ class days after receiving the Academic Standards Committee's notification to respond to the committee's recommendation in a written statement to the Provost/VPAA.
- f. If the Provost/VPAA decides that suspension or expulsion is warranted, he/she shall impose suspension or expulsion. At the same time, the Provost/VPAA shall notify the student of his/her decision and the terms of the decision, and inform the student that he/she has the right to appeal the penalty, as described in Section 9.g. of this policy. At the same time, the Provost/VPAA also shall notify the Registrar and President of the university of the action and its terms.
- g. The student may file a written appeal of this penalty with the President of the University within thirty calendar days of receiving the notice of the decision. The President's decision normally will be made within thirty calendar days after receiving the appeal. The President's decision on the matter is final.
- h. The Office of the President shall notify the following parties of the results of the final decision on suspension or expulsion: the student, the chair/head of the student's primary major department, the dean who recommended suspension or expulsion, the dean of the college of the student's primary major, the Academic Standards Committee, the Provost/VPAA, and the Registrar.

~~11. An undergraduate student may be suspended or expelled for academic misconduct by the Academic Standards Committee in accordance with the following procedure:~~

~~5.~~

- ~~a. The dean of the college of the student's primary major or the Provost/VPAA must notify the student that they he or she will recommend suspension or expulsion to~~

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~~the Academic Standards Committee, but the student must be given two school class days to file a written notice of appeal with the Student Progress Committee before the recommendation is presented to the Academic Standards Committee.~~

~~b. The student may appeal the recommendation of suspension or expulsion to the Student Progress Committee as outlined in sSection 3.b.9.b.d above.~~

~~The Academic Standards Committee may impose suspension or expulsion, if an appeal with the Student Progress Committee is not in progress.~~

~~d. Procedures for suspension and/or expulsion of graduate students are described in Section 6 above.~~

10. Procedures for cases involving graduate students. Accusations involving academic misconduct of graduate students will follow the procedure described in Sections 4-7 above, with the following exceptions. Appeals of penalties imposed by instructional staff member must be filed in accordance with the policy described in the NDSU Graduate Bulletin. Also, the dean of the college of the student's primary major may recommend an additional penalty (including academic warning, academic probation, suspension, or expulsion) to the Dean of the College of Graduate and Interdisciplinary Studies. The imposition of penalties shall be in accordance with the policy described in the NDSU Graduate Bulletin.

a. The Dean of the College of Graduate and Interdisciplinary Studies will provide the student with written notice of the following:

i. additional disciplinary action taken, if any;

ii. description of the graduate student appeal process, as outlined in the NDSU Graduate Bulletin;

iii. the date by which an appeal must be filed by the student, should the student choose to file an appeal.

b. If an appeal is filed, the Dean of the College of Graduate and Interdisciplinary Studies will notify the student of the result following the completion of the appeal process.

c. The following parties shall be notified if the student is suspended or expelled: the student, the chair/head of the student's primary major department, the dean who recommended suspension or expulsion, the dean of the college of the student's primary major, the Academic Standards Committee, the Provost/VPAA, and the Registrar.

11. Procedures for cases involving individuals who are not NDSU students. If a person who is not an NDSU student (according to the definition in Section 1 of this policy) is involved in academic misconduct, the instructional staff member shall send a written statement describing the academic misconduct to the Provost/VPAA, Vice President for

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Student Affairs, Registrar, and Director of Admission for appropriate action. Appropriate action may include, but is not limited to, holds being placed on admission or readmission to the university, and notification being sent to the individual's home institution.

~~Rescission of degrees. A degree previously awarded may be rescinded if it is determined that the graduate's actions taken to obtain the degree involved fraud, deceit, error, or academic misconduct. The degree conferring college reserves the right to recommend to the Provost the rescission of any wrongfully obtained degree(s). The Dean of Student Life also may recommend to the Provost, with notice to the Vice President for Student Affairs, with notice to the Vice President for Student Affairs, the recommendation to rescind a degree based on actions in violation of the Code of Student Behavior.~~

~~12. A degree previously awarded may be rescinded if it is determined that the graduate's actions taken to obtain the degree involved fraud, deceit, error, or academic misconduct. The degree conferring college reserves the right to recommend to the Provost/VPAA, with notice to the Vice President for Student Affairs, the rescission of any wrongfully obtained degree(s). The Dean of Student Life may also recommend to the Provost, with notice to the Vice President for Student Affairs, the recommendation to rescind a degree based on actions (directly related to obtaining a degree) in violation of the Code of Student Behavior.~~

~~Written notice of the concerns and recommendation to rescind the graduate's degree(s) shall be sent via certified mail with return receipt to the graduate, with a hold placed on the student's record. The graduate will have 30thirty calendar days after the notice was received to respond in writing or request a hearing with the conferring college's Academic Standards Student Progress Committee for undergraduate degree holder, or the Graduate Council for graduate level degree holders. A recommendation by the Student Progress Committee or the Graduate Council to the Provoist/VPAA whether to rescind the degree(s) shall be made within 30 thirty calendar days after a response is received or hearing is completed.~~

~~A decision by the Provost/VPAA shall be made within 30thirty calendar days after receiving the recommendation. The graduate has 10ten business days after receiving the Committee or Council recommendation to respond, in writing, to the Provost/VPAA. Notice of the decision whether to rescind the degree(s) shall be sent to the respondent via certified mail with return receipt.~~

~~The respondent may file an appeal of this decision with the President of the University within 30 thirty calendar days of receiving the notice of the decision. The President's decision will normally be made within 30thirty calendar days after receiving the appeal.~~

~~12. The Office of Registration and Records will be notified of the results of the Committee's or Council's final decision on rescinding the degree(s).~~

~~a. Written notice of the concerns and recommendation to rescind the graduate's degree(s) shall be sent via certified mail and email with return receipt to the graduate,~~

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with a hold placed on the student's record. The graduate will have 30 days after the notice was received to respond in writing or request a hearing with the conferring college's ~~Academic Standards Committee~~ Student Progress Committee for undergraduate degree holder, or the Graduate Council for graduate level degree holders. A recommendation by the Committee or Council to the Provost whether to rescind the degree(s) shall be made within 30 days after a response is received or hearing is completed.

- b. A decision by the Provost shall be made within 30 calendar days after receiving the recommendation. The graduate has 10 business days after receiving the Committee or Council recommendation to respond, in writing, to the Provost. Notice of the decision whether to rescind the degree(s) shall be sent to the respondent via certified mail with return receipt.
- c. The respondent may file an appeal of this decision with the President of the University within 30 calendar days of receiving the notice of the decision. The President's decision will normally be made within 30 calendar days after receiving the appeal.
- d. The Office of Registration and Records will be notified of the results of the final decision on rescinding the degree(s).

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

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POLICY CHANGE COVER SHEET

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

Section: *NDSU Policy 700: Services and Facilities Usage*

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

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

Policy Committee: presented 02/11/10; 09/22/10 presented to PCC as carryover; 10/13/10 presented as carryover to PCC; 10/13/10 tabled until further information is received from the committee.; 12/08/10 V4 presented to the PCC; [some housekeeping changes will be done and then V5 will be routed for input](#)

University Senate: routed for input 04/19/2010; [routed v5 for input](#)

Staff Senate: routed for input 04/19/2010; [routed v5 for input](#)

President's Council: routed for input 04/19/2010; [routed v5 for input](#)

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

VPFA

SECTION 700: SERVICES AND FACILITIES USAGE

SOURCE:

NDSU President

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

~~1.1~~

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

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~~1.2~~

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

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

~~2.1~~

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

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

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

4. Pets are not allowed within University academic, administrative and auxiliary buildings. Service dogs and other service animals as defined by NDSU Policy Manual Section 100.2, animals on University farm properties, horses at the Equine Science Center, any animals used for research or classroom study as allowed by NDSU Policy Manual Section 346, and those animals recognized by the University Institutional Animal Care and Use Committee shall be excluded from these requirements. Individuals in Residence Life buildings will comply with the NDSU Student Code of Behavior. Additionally,

individuals with pets on campus must comply with all City of Fargo pet related ordinances.

~~Animals are prohibited in campus buildings. Outdoors, animals must be on a leash or must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible to clean up after their animal(s) and for any health or safety issues that may arise concerning the presence of these animals on University properties and at NDSU sponsored or supervised events.~~

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

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~~4.2 Exceptions:~~

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

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

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

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

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

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

~~4.2.7 Animals used in law enforcement.~~

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

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

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

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

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

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

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

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

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

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

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

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See also NDSU Code of Student ~~Conduct~~Behavior and, NDSU Parking Regulations and City of Fargo bicycle related ordinances.

~~4.6~~ Candidates for political or public office who wish to use campus facilities must comply with University rules and regulations. NDSU has adopted specific campaign procedures for local, state, and national elections. Copies of the policies can be obtained from the Office of the Vice President for Student Affairs. These policies govern canvassing, placement of brochures and materials, and use of the Student Union and University housing. Door to door campaigning or canvassing is not permitted in academic buildings. These buildings are restricted to educational purposes. For use of facilities by University employees, see Policy 160, number 13.

~~5.7~~ All filming, videotaping, and still photography on University property or at University sponsored events for commercial purposes (including political advertising) must be approved and coordinated by ~~University Relations~~the Director of University News, Old Main 204. "Commercial purpose" does not include news media reporting or outside use of University property for personal use (like wedding pictures).

The request must be in writing and include: name of organization, contact person, location, requested dates and detailed description of project. A contract must be signed prior to any activity beginning on University property or at a University sponsored event.

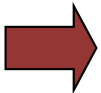
Policy 700 [V3v5 12/16/10-041410](#)

The project can't disrupt normal operations of the University. For restrictions on the use of state property for political activities see also, NDSU Policy 160.

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

Policy Change Cover Sheet

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



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

SECTION: 713.1: LITIGATION HOLD POLICY

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

New policy which provides procedures for the preservation of documents, electronic information and other such material in cases of litigation hold.

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

General Counsel

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

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: [Presented to PCC 10/13/10; 11/10/10 v2 101310 presented to pcc: 11/10/10 to PCC as CO: 12/08/10 V3 presented with HK changes from Faculty Senate](#)

University Senate: [12/02/10 route for input: responded to General Counsel with housekeeping changes - changes were made to version 3.](#)

Staff Senate:

[12/02/10 route for input](#)

President's

Council: [12/02/10 route for input](#)

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

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

NDSUNORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

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

SECTION 713.1: LITIGATION HOLD POLICY

SOURCE:

NDSU President
ND Office of Risk Management

A “litigation hold” is the process in which documents, electronic information and other such materials are preserved pending a reasonably foreseeable litigation. A litigation hold is also known as a “preservation order,” where an organization’s document destruction process is suspended to preserve required documents for a pending litigation.

Potential threats of litigation can be a receipt of a summons or complaint; the filing of an [Equal Employment Opportunity Commission \(EEOC\)](#) charge; formal notice of investigation, the receipt of a subpoena; or even a verbal communication of the intent to sue. Once an employee receives any of the above, they should immediately inform their supervisor and the Office of the General Counsel. The Office of the General Counsel will then determine if the situation warrants a litigation hold for documents, and if so, implement procedures for a [pre-litigation hold notice](#). A pre-litigation hold notice is one where no lawsuit has actually been filed yet, however, the university is preserving documentation in case litigation procedures are started. If litigation has [been](#) filed, the General Counsel will send out a [post-filing of litigation notice](#). Once a litigation hold notice has been issued, no documents pertaining to the litigation shall be destroyed until the litigation hold notice has been released by the General Counsel.

Documents pertaining to a litigation hold include, but are not limited to:

- Paper originals, drafts, and copies.
- Word processing documents.
- E-mail and e-mail attachments.
- Calendars and planners.
- Spreadsheets and databases.
- Instant messages.
- Network logs.
- PowerPoint presentations.

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- Manuals, publications, bulletins, and pamphlets.
- Graphic files.
- Voicemail (if a message manager program is available to save voicemails).
- Information on the website.
- Text messages.

(Excerpted from a Memo dated January 29, 2007, from Douglas A. Bahr, Solicitor General.)

Comment [DM1]: Per Telcomm, a message manager program is available, which can save voicemails indefinitely. However, this is a specific service that has to be requested and has a one-time \$30 installation fee.

Normal voicemail is saved only 10 days; can be requested to be saved 30 days.

A notice of litigation hold should:

- Identify the person(s) who are likely to have relevant information, and communicate a preservation notice to those persons;
- Communicate the preservation notice in a manner that is comprehensible and timely;
- Be in written form;
- Clearly define what information is to be preserved and how the preservation should be undertaken; and
- ~~Is~~ Be periodically reviewed and, if necessary, reissued in either its original or an amended form.

Once the litigation hold notice has been implemented, the university employees who have received the notice should then immediately suspend any and all deletion or destruction of electronic or paper documents relevant to the litigation; preserve any new documentation that pertains to the litigation; and preserve existing documentation. If a university employee separates his or her employment from the university during a litigation hold process, the supervisor should then take possession of and retain such records and documents, and notify the General Counsel of the change in ownership~~custody~~.

Only when the threat of litigation is over will the General Counsel issue a release of litigation hold on the relevant documents. Such documents are not to be deleted or destroyed until such release is given by the General Counsel, and at that time any document destruction will be in compliance with NDSU's records management policy.

Comment [DM2]: Concern that just because GC releases documents after litigation, they cannot be automatically deleted/destroyed... document destruction must also comply with the records management policy.

To assist in understanding the legal hold process, refer to the following documents:

[Anticipation of Litigation and Legal Holds](#)
[Litigation Hold Procedures](#)
[Litigation Holds and Preservation of Evidence](#)
[Litigation Hold Checklist](#)
[Destruction Hold Notice](#)
[NDSU 713: Records Management](#)

Comment [DM3]: All references/resources listed are hyperlinked to the actual document.

HISTORY: September 2010