

Meeting Agenda

October 11, 2021

- I. Call to Order.
- II. Attendance.
- III. Adoption of the Agenda.
- IV. Approval of Meeting Minutes from September 13, 2021.
- V. Announcements.
 - 1. Dean Bresciani, President
 - 2. Margaret Fitzgerald, Provost
 - 3. Florin Salajan, Faculty Senate President
 - 4. Dennis Cooley, Faculty Senate Past-President
 - 5. Anastassiya Andrianova, Faculty Senate President-Elect
 - 6. Joshua Schroetter, Staff Senate President
 - 7. Laura Friedmann, Student Body Vice-President
 - 8. Philip Hunt, Registrar
 - 9. Colleen Fitzgerald, Vice President for Research and Creative Activities
- VI. Committee and Other Reports.
 - 1. Budget Committee report
 - 2. General Education Committee report
- VII. Consent Agenda.
 - 1. UCC Report
 - 2. Policy 153
 - 3. Policy 154
 - 4. Policy 601
 - 5. Confirmation of FS Standing Committees
- VIII. Planning and Prioritizing Senate Action for the Year.
 - 1. Budget reductions and strategic planning
 - 2. Equity, diversity and inclusion
 - 3. Internationalization and global engagement
 - 4. Shared governance framework development
 - 5. Innovations to attract, enroll and retain more students
- IX. Unfinished Business.

- X. General Order.
 - 1. Proposed amendments to the Faculty Senate Bylaws (Article V, Section 6; Article II, Section 9)
- XI. New Business.
 - 1. Proposed amendment to the Faculty Senate Bylaws (Article II, Section 6)
- XII. Adjournment.

Meeting Minutes September 13, 2021

- I. Call to Order.
 1. 3:04pm by President Salajan.
- II. Attendance.

III. 2021-2022 Faculty Senate Attendance

Last Name	First Name	Device	Sept 13	Oct 11	Nov 15	Dec 13	Jan 24	Feb 14	March 21	April 11	May 9
Aldrich-Wolfe	Laura		X								
Ambrosio*	Tom										
Amiri	Ali		X								
Andrianova	Anastassiya		X								
Arnold	Lisa		X								
Asa	Eric		X								
Berg	Eric		X								
Burt	Sean		X								
Byrd	Christopher		X								
Choi	Juwon		X								
Christensen	Warren		X								
Cooley	Dennis		X								
Creese	John										
Emanuelson	Pam		X								
Fellows	Kristen		P								
Harringer	Shannon										
Hassel	Holly		X								
Hershberger	John		X								
Hintz*	Verlin										
Hong	David		X								
Huseth-Zosel	Andrea		X								
Jackson	Jeremy		X								
Kilina	Svetlana										

Larson	Jamee										
Limb	Ryan		X								
Lin	Zhibin		X								
March	Raymond		X								
McGrath	Ryan		X								
Nordstrom	Onnolee		X								
O'Rourke	Stephen		X								
Overton	Kimberly		X								
Peltier	Allison										
Philbrick	Candace		X								
Rahman	Mukhlesur		X								
Roberts	David		P								
Ross	Darrell		X								
Salajan	Florin		X								
Selekwa	Majura		X								
Smith	Matthew		X								
Thompson	Sara		X								
Tian	Tuilin		X								
Ungar	Abraham		X								
Wood	Scott		X								
Wu	Xiangfa										
Yan	Changhui										
Yan	Guiping		X								
Zhang	Qi		X								
Zhao	Pinjing		X								

*indicates Alternate 46 voting senators Quorum = 25.3 (26 senators must be present)

X = Present P = Proxy

Substiutions: Johnson for Fellows and Veesham for Roberts

IV. Adoption of the Agenda.

- Motion: To adopt the agenda: Burt/Jackson.
- Passed by unanimous consent.

V. Approval of Meeting Minutes from May 10, 2021.

- Motion to approve: Zhao/Christensen.
- Passed by unanimous consent.

VI. Announcements.

1. Dean Bresciani, President:

- Not present.

2. Margaret Fitzgerald, Provost

- No announcements
 - No questions asked of the Provost
3. Florin Salajan, Faculty Senate President
 - Acknowledged incoming senators
 - Acknowledged executive officers and parliamentarian.
 - Thanked Professor Molly Secor-Turner for her long, extensive service to the Senate and NDSU.
 - Reminded Senators about the listening sessions and Qualtrics survey in the presidential search to allow faculty to have a voice in the process.
 - Reminded Senators if they cannot attend, then to use the proxy vote. Both the absent Senator and the substitute have to agree to the arrangement, and please avoid last minute substitutions and proxies.
 - As the Senate adjusts to being online, there will be bumps. Turning Point was causing some issues, but they will be worked on.
 4. Dennis Cooley, Faculty Senate Past-President
 - No announcements
 5. Anastassiya Andrianova, Faculty Senate President-Elect
 - No announcements
 6. Joshua Schroetter, Staff Senate President
 - Introduced himself to the Faculty Senators.
 - No announcements.
 7. Laura Friedmann, Student Body Vice-President
 - Not present.
 8. Philip Hunt, Registrar
 - Now that the FERPA training is live, if faculty have questions or issues arising from it, then please contact him or his staff.
 - The Academic Production Calendar should have been distributed by chairs and deans. If you do not have it, then please contact him.
 9. Paul Carson, Professor of Public Health
 - Made a presentation on where we are with Delta and the pandemic.
 - We are now higher in cases than we were this time last year.
 - We look to be in a better place in this geographic area than we were last year based on data collected on our campus.
 - Those who are vaccinated are at considerably less risk than those who are unvaccinated.
 - Took Questions:
 - Is using masks an effective preventative? Response: the evidence quality for mask efficacy, especially in schools, is modest. The Precautionary Principle applies - if masks do not harm people, don't cost a lot, and might help, then wear them. Dr. Carson

hopes that soon the point of wearing them will be moot when vaccines are more available to children.

- Do we have any data on adverse reactions from a third dose?
Response: that data will be coming out soon.
- If we had higher vaccination rates, then mask mandate pushes would diminish. A vaccine mandate might cause greater long-term resistance.
- It is pretty easy to get tested in town, but less so on campus for faculty and staff. Students can get tested at Health Services.

VII. Committee and Other Reports.

1. Budget Committee report

- Nothing new to report.

VIII. Consent Agenda.

1. UCC Report

- Motion to approve: Cooley/Christensen
- Motion passed: 29 Aye; 0 Nay; 0 Abstain.

IX. Unfinished Business.

X. General Order.

1. Proposed amendments to the Faculty Senate Bylaws (Multiple Articles)

- Motion to approve: Christensen/Cooley.
- Concern was raised that there were senators who discussed it in May who are no longer part of the Senate, as well as new senators who were not in the Senate in May.
 - Motion to amend Article III: Section 7 by inserting new language in bold: Andrianova/Burt: “However, Senate approval ***by a majority vote of the full senate*** is required for approval of special committee members who are not members of the Faculty Senate”.
 - Motion to amend passed: Aye: 33; 1 Nay; 3 Abstentions
- Original Motion to approve passed: 34 Aye; 1 Nay; 1 Abstention
 - Motion to amend bylaws by Selekwa
 - President Salajan ruled motion out of order.

XI. New Business.

1. Proposed amendments to the Faculty Senate Bylaws (Article V, Section 6)

- Motion to add this item to the Faculty Senate agenda for the October 2021 meeting: Andrianova/Thompson
 - Motion passed: 32 Aye; 1 Nay; 1 Abstention
- Note: there will be language added to these amendments to allow the Faculty Senate to appoint a non-senator faculty member to be Secretary of

the Faculty Senate.

2. Formation of ad hoc committee on Academic Affairs organizational efficiencies.

- Motion by Cooley/Rahman to form an ad-hoc committee on Academic Affairs organization consisting of a faculty member, with budgeting and program administration experience, from each of the seven NDSU colleges and a representative from the Provost's office appointed by the Faculty Senate President. The committee will review and/or recommend revisions to Academic Affairs' organization and report to the senate.
- Discussion:
 - Pro (summary): There is a budget cut this year, likely to be additional ones in following years, especially 2026 when there will be a large drop in the potential student pool. According to SBHE Policy 305.1 NDSU's President has "full authority" to make decisions about cuts, mergers, and organization, although the President include faculty participation in her or his decision-making process. This committee would be the Faculty Senate's shared governance voice in the decision-making process. Now is the time to do something instead of across the board cuts. Need to do something different with new ways to handle cuts.
 - Con (summary): Would Senate have more success using an existing committee to utilize the established normal channels? They have established legitimacy. Program Review and the Budget Committee were raised as options. Concern expressed about whether it is timely to put a committee like this together now.
 - Question was asked about membership numbers, including whether there could be representative numbers of members instead of one per college.
- Call the Question motion by Hassel.
 - President Salajan ruled the motion out of order.

- Motion Failed: 13 Aye; 18 Nay; 4 Abstentions

XII. Adjournment at 4:40pm: Motion to adjourn: Christensen/Andrianova.

- Motion passed unanimously

**University Curriculum Committee Report
For Faculty Senate Meeting on October 11, 2021**

New Programs		
Minor in Cultural Diversity		
Minor in International Studies		
Undergraduate Certificate in Professional Writing		

New Courses			
Subject	No.	Title	Effective Term
MGMT	436	Ethical Leadership	Fall 2021

New Special Topics (FYI only)			
Subject	No.	Title	Effective Term
CJ	399	Serial Killers and Serial Killings	Fall 2022

Course Reactivations			
Subject	No.	Title	Effective Term
CE	472	Solid and Hazardous Waste Management	Fall 2022

Course Changes								
From:				To:				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
AS	441	National Security/Commissioning Preparation I	3	AS	441	National Security/Prep for Active Duty I	3	Fall 2022
AS	442	National Security/Commissioning Preparation II	3	AS	442	National Security/Prep for Active Duty II	3	Fall 2022
CJ	755	Administrative Policing	3	CJ	755	Criminal Justice Leadership and Administration	3	Fall 2022
CSCI	418	Simulation Models	3	CSCI	438	Simulation Models	3	Fall 2021
CSCI	615	Networking and Parallel Computation	3	CSCI	655	Networking and Parallel Computation	3	Fall 2021
CE	473	Air Pollution	3	ENVE	473	Air Pollution	3	Fall 2021
HNES	431	Governance, Policy, Legal Liability and Ethics in Sport	3	HNES	431	Sport Law	3	Fall 2022

Changes in Course Descriptions and/or Requisites				
Subject	No.	Title	Prerequisite/Co-requisite/Description Change	Effective Term
CE	472	Solid and Hazardous Waste Management	Desc: Solid waste generation and collection methods, landfilling, recycling, and resource conservation, circular economy, hazardous waste generation and disposal history, hazardous waste properties, and remediation techniques including biotic and abiotic transformations. Prereq: ENVE 250 or CE 370.	Fall 2022
CJ	755	Criminal Justice Leadership and Administration	Desc: Organizational theory, leadership, communication, labor relations, and crisis management in criminal justice administration.	Fall 2022
ENVE	473	Air Pollution	Desc: Air quality management issues and regulations, sources of air pollutants, meteorology as it applies to air quality, chemistry, and physics of air pollutant transport and transformations, and air pollutant dispersion modeling. Prereq: CE 370 or (ENVE 460 and ENVE 412).	Fall 2021
ENVE	488	Senior Design I	Prereq: ENCE 412 and consent of instructor.	Fall 2021
HNES	431	Sport Law	Desc: This course will address major legal issues a person might face working in the sport industry whether as a coach, teacher, program administrator in a recreation program, or working in a high school, college, Olympic, or professional sport organization. Includes an examination of the governing bodies of various sports organizations.	Fall 2022

			Prereq: HNES 190, HNES 226 and students must be admitted to the Sport Management professional program.	
IME	431	Production Engineering	Desc: Design of a production system for selected manufactured products, development of production system flow maps and linked process dynamic models, evaluation of throughput and identification of constraints. Evaluation of alternative solutions for production constraints.	Spring 2022
PH	711	Integrating Primary Care and Public Health	Desc: The course examines the role of primary care and public health in addressing personal and population health issues with particular attention to community health needs assessment, social determinants of health, health inequities, cultural competence, and community involvement to address contemporary challenges to the health of U.S. populations.	Fall 2022

Course Inactivations			
Subject	No.	Title	Effective Term
CE	673	Air Pollution	Fall 2021
HNES	274	Introduction to Youth and Interscholastic Sport	Fall 2022
HNES	324	Sport and Event Management	Fall 2022

Policy Change Cover Sheet

This form must be completed for each policy presented. All areas in **red** including the header must be filled in or it will be sent back to you for completion. Gender-inclusive language should be used in revised and new policies submitted to SCC.

*If the revisions you are requesting include housekeeping changes, please submit the housekeeping changes first. The SCC Secretary will notify you once the housekeeping changes have been made and you can submit the Policy Change Cover Sheet at that time. Please submit housekeeping changes to nds.scc@nds.edu. Refer to the [NDSU Senate Coordinating Council process](#) for more information about housekeeping changes.

Policy Number and Name: **Section 153, Smoke-Free Facilities**

Effect of policy addition or change: Explain the important changes in the policy or effect of this policy. **Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s):** The policy changes would provide a permissive rather than approval based exception to using smoke in traditional spiritual religious or cultural ceremonies.

Is this a federal or state mandate: ☐ Yes ☒ No

It would be opportune to have this policy change in place at the beginning of the academic year; therefore expedited approval is requested.

Individual/Department/Committee or Organization submitting the policy change:
Student Affairs and Enrollment Management

Date Submitted to SCC Secretary: **August 13, 2021**

Email address of the person who should be contacted if revisions are requested: Emily.Frazier@nds.edu or Laura.OsterAaland@nds.edu

The SCC Secretary will keep record of all actions taken on this policy change request on the SCC policy tracking spreadsheet. You will be notified once the policy has been approved and updated or if further revisions are requested.

North Dakota State University

Policy Manual

SECTION 153 SMOKE-FREE FACILITIES

SOURCE: SBHE Policy Manual, Section 917
North Dakota Century Code 50-11.1-02.2 and 23-12-10
NDSU President

Definitions:

For the purpose of this policy, "smoking" is defined as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette which creates a vapor, in any manner or any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Policy.

Policy:

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

6. The smoke-free facilities prohibition does not apply to specific activities used in connection with the safe practice of traditional spiritual, religious or cultural ceremonies [See [https://www.ndsu.edu/multicultural/student_support/for_information_on_cultural_ceremonies_such as smudging, etc.](https://www.ndsu.edu/multicultural/student_support/for_information_on_cultural_ceremonies_such_as_smudging_etc)].

6.1 When engaging in a spiritual, religious or cultural ceremony using smoke in any campus location, the following precautions should be taken:

Identification of the location of the nearest fire pull station and fire extinguisher;

Communication with appropriate students and NDSU personnel (room/suitemates and building directors) to share time and location of ceremony. Please contact NDSU personnel in person or by phone;

Contain embers and ashes in abalone shells, ceramic bowls, or similar items; and

Extinguish embers/ashes appropriately to eliminate risk of fire.

Deleted: ing

Field Code Changed

Commented [LOA1]: OMP has been asked to add content to their site related to smudging. Double check to see that it is there prior to the approval process.

Deleted: Ceremonial use exceptions must be approved in advance by the Vice Provost for Student Affairs and Enrollment Management....

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

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

[Smoke Free Campus Website](#)

HISTORY:

New	June 21, 1990
Amended	April 2006
Amended	February 2008
Amended	March 1, 2010
Housekeeping	December 2010
Housekeeping	May 31, 2012
Housekeeping	April 11, 2013
Housekeeping	April 22, 2013
Housekeeping	June 15, 2018

Policy Change Cover Sheet

This form must be completed for each policy presented. All areas in red including the header must be filled in or it will be sent back to you for completion. Gender-inclusive language should be used in revised and new policies submitted to SCC.

*If the revisions you are requesting include housekeeping changes, please submit the housekeeping changes first. The SCC Secretary will notify you once the housekeeping changes have been made and you can submit the Policy Change Cover Sheet at that time. Please submit housekeeping changes to nds.scc@nds.edu.

Refer to the [NDSU Senate Coordinating Council process](#) for more information about housekeeping changes.

Policy Number and Name: 154: Freedom of Speech, Expression, and Assembly

Effect of policy addition or change: Explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s): The policy changes were made to be in alignment with North Dakota State law, due to changes made in the 2021 Legislative session, as well as changes made to the North Dakota University System policy on freedom of speech.

UPDATE: A review by an outside entity caught two additional changes necessary to comply with state law and the First Amendment of the U.S. Constitution. In 2.8.1 (3), the word "substantially" should be replaced with "subjectively". I either read it or typed it incorrectly in revising the policy. We would need to change the word "or" in 2.8.1 (4) to "and" to match the definition below in 2.9.

Is this a federal or state mandate: ☒ Yes ☐ No

Individual/Department/Committee or Organization submitting the policy change:
Emily Frazier, Dean of Students Office, on behalf of committee that reviewed policy for needed updates.

Date Submitted to SCC Secretary: August 13, 2021

Email address of the person who should be contacted if revisions are requested:

Emily.Frazier@nds.edu or Casey.Peterson@nds.edu

The SCC Secretary will keep record of all actions taken on this policy change request on the SCC policy tracking spreadsheet. You will be notified once the policy has been approved and updated or if further revisions are requested.

SECTION 154

FREEDOM OF SPEECH, EXPRESSION, AND ASSEMBLY

SOURCE: [NDSU President SBHE](#)

Deleted: President's Office

1. Introduction

1.1. NDSU recognizes and supports the fundamental right of its students and others to free speech and expression under the First Amendment to the United States Constitution and the North Dakota Constitution. NDSU values and encourages the free exchange of ideas while maintaining the safety of the campus community and the orderly operations of the institution. To that end, NDSU is committed to ensuring the freedom to speak, write, listen, challenge, learn, and discuss any issue, subject to reasonable and constitutionally-recognized limitations. As part of this commitment, NDSU is dedicated to promoting free speech and expression while cultivating a safe and non-discriminatory campus climate that supports diversity of thought and people.

Deleted: orth

Deleted: akota

Deleted: tate

Deleted: niversity

Deleted: providing

This policy defines the spaces available for exercising the rights of free speech and expression and communicates the parameters of any such expressive activity, to protect the safety of campus, and to minimize disruption to NDSU's educational mission. This policy establishes certain standards of conduct that must be observed by demonstrators and groups and applies to all individuals while using University property for exercising the rights of free speech and assembly. [This policy is based off North Dakota University System Policy 503.1.](#)

Deleted: 2.1. Amplified sound – means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.... 2.2. Commercial Speech – The promotion, sale, or distribution of a product or service. For the purposes of this section, commercial speech does not include the incidental promotion, sale, or distribution of a product as part of the exercise of non-commercial speech.

Deleted: 2.2. Commercial Speech – The promotion, sale, distribution of a product or service. For the purposes of this section, commercial speech does not include the incidental promotion, sale, or distribution of a product as part of the exercise of non-commercial speech.

Deleted: 3

Deleted: 2.4. Disruptive Conduct – Any act that: unreasonably interferes with the rights of others to peaceably assemble or to exercise the right of free speech or expression; impedes the flow of pedestrian and/or vehicular traffic; disrupts the normal functioning of the University; damages property; or endangers health or safety....

Deleted: 5

Deleted: means a

Deleted: 6

2. Definitions

2.1. Constitutional Time, Place, and Manner Restrictions – Restrictions on free speech which are content-neutral, narrowly tailored to serve a significant interest, and leave open alternative methods of communicating the message in question.

2.2. Employee - Any person acting on behalf of NDSU in an official capacity, temporarily or permanently, with or without compensation. The term does not include an independent contractor.

2.3. Faculty – An individual, regardless of whether the individual is compensated by an institution, regardless of political affiliation, who is tasked with providing scholarship, academic research, or teaching, including tenured and nontenured professors, adjunct professors, and those in comparable positions. "Faculty" does not mean an individual whose primary responsibilities are administrative or managerial, unless the individual also teaches at least one credit-hour.

2.4. Free Speech or Free Expression – The rights to speech, expression, and assembly protected by the First Amendment to the United States Constitution or Article I, Section 4 of the Constitution of North Dakota. Such rights include, but are not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, the display of signs or banners, or the circulation of petitions. For the

purposes of this policy, “free speech” or “free expression” is not intended to include Commercial Speech.

2.4.1.Commercial Speech – The promotion, sale, or distribution of a product or service. For the purposes of this section, commercial speech does not include the incidental promotion, sale, or distribution of a product as part of the exercise of non-commercial speech.

2.5.Materially and Substantially Disruptive Conduct – Conduct by an individual or group which constitutes knowing or intentional affirmative steps to limit the free speech of an individual or group, prevents the communication of a message, or disrupts a lawful meeting, gathering, or procession through violent or obstructive behavior. Protected conduct does not constitute a material and substantial disruption.

2.6.Protected Conduct – Free Speech or Free Expression protected by the First Amendment to the United States Constitution or Article I, Section 4 of the Constitution of North Dakota, subject to reasonable time, place, and manner restrictions; reservation requirements under institutional policies or procedures; and the reasonable safety and security needs of NDSU.

2.7.Student – An individual enrolled in one or more course credits at NDSU. A student who is acting in a paid role, such as a graduate student instructor or teaching assistant, is not a student for the purpose of this policy while they are engaged in that paid work.

2.8.Student-on-Student Harassment – NDSU may only discipline students for student-on-student harassment which meets one or more of the following criteria:

2.8.1. (1) Unwelcome verbal, written, or physical conduct directed to another student or a specified group of students; and

(2) behavior that is lewd, obscene, defamatory, unlawful, has the purpose of causing distress, or is based on actual or perceived personal characteristics; and either

(3) objectively or subjectively substantially creates a hostile or disruptive environment or substantially interferes with the student’s educational work; or

(4) the conduct is so severe, pervasive, and objectively offensive that it is reasonably likely, based on specific and documented facts, to create a substantial disruption to the educational environment or to effectively deny a student equal access to educational opportunities or benefits provided by the institution; or,

2.8.2. Conduct which violates North Dakota criminal laws prohibiting harassment, stalking, menacing, criminal coercion, or similar behavior.

2.9.Student-on-Student Discriminatory Harassment – Speech or expression that is unwelcome, targets the victim on a basis protected under federal, state, or local law, and is so severe, pervasive, and objectively offensive that a student effectively is denied access to educational opportunities or benefits provided by the institution.

2.10.Student Organization – An organization officially recognized or seeking recognition by NDSU’s Congress of Student Organizations, comprised of students, whether or not that organization seeks or receives institutional funds.

Deleted: 7

Deleted: T

Deleted: P

Deleted: M

Deleted: 8

Deleted: a

Deleted: s

Formatted: Strikethrough

Formatted: Strikethrough

Deleted: 9

3. General Provisions

3.1.NDSU will not engage in viewpoint or content-based discrimination or suppression of speech, and will, to the greatest extent possible, permit and facilitate the open discussion and debate of ideas and issues, regardless of the content of those issues.

3.2.NDSU students, faculty, staff, and student organizations will be permitted to invite guest speakers or groups to campus regardless of the anticipated content or viewpoint of the speaker or group. NDSU may not prohibit any invited speaker or group from speaking on campus, and

may not retract (or pressure/require the parties listed above to retract) an invitation to speak based on the anticipated content or viewpoint of the speech or expression.

3.3.NDSU may impose measures regarding free speech and expression which comport with the First Amendment of the United States Constitution and Article I, Section 4 of the Constitution of North Dakota, including, but not limited to:

3.3.1.Constitutional time, place, manner restrictions on the use of traditional public fora;

3.3.2.Reasonable and viewpoint-neutral restrictions on the use of restricted or designated fora;

3.3.3.Prioritizing the use of institution resources and property for students, faculty, staff, and student organizations over individuals and groups not affiliated with the institution;

3.3.4.Prohibiting or limiting speech, expression, or assemblies not protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Constitution of North Dakota, such as defamatory speech, true threats, and other recognized exceptions; and

3.3.5.Content-based restrictions reasonably related to a legitimate educational or pedagogical purpose, such as rules for behavior in the classroom.

3.4.NDSU will not discipline or impose sanctions on any student for harassing conduct or expression unless the speech meets the definition of either "student-on-student discriminatory harassment" or "student-on-student harassment." NDSU may not utilize the disciplinary process to sanction or discipline student speech that constitutes protected conduct except as provided in those definitions.

3.4.1.Notwithstanding, NDSU may respond to speech or expression which does not meet these definitions by taking constructive, non-punitive actions to promote a welcoming, inclusive environment.

3.5.NDSU will not use the concept of civility or mutual respect as a basis to suppress or limit the discussion of ideas, regardless of content, except as reasonably necessary to an educational activity. NDSU does, however, strongly encourage that all such discussions take place in an atmosphere of mutual respect, free from racism, sexism, and other forms of bias.

3.6.NDSU and its employees shall generally not seek to shield individuals from the free speech or free expression of others. However, it shall not be considered shielding when employees provide information about upcoming events to the campus community.

3.7.No speech, expression, or assembly may be conducted in a way that disrupts or interferes with any teaching, research, administration, or other authorized activities on the campus. Nor may such speech, expression, or assembly be conducted in a way that interferes with the rights of others to free speech and free expression. Due to the contextual nature of disruptive conduct, NDSU is reliant on the judgment and fairness of University employees and authorities in determining what constitutes disruptive conduct. Such judgment must be content neutral and focused on the disruptive nature of the conduct and not the message of the disruption. Disruptive conduct is prohibited.

3.8.NDSU may not deny student organizations funding from the student activity fee based on the viewpoints of the student organization; however, institutions may create content-neutral criteria which permit the distribution of limited funds to student organizations. Student activity fee funding may not be reduced based on outside funding received by a student organization.

3.9.NDSU may not treat one student organization differently than others with respect to the provision of any right, benefit, or privilege based on a requirement in the organization's constitution or bylaws that leaders or voting members of the organization shall (1) adhere to the

Deleted: 2

Deleted: 3

Deleted: F

Deleted: S

Deleted: F

Deleted: E

Deleted: 4

Deleted: F

Deleted: F

Deleted: E

Deleted: D

Deleted: C

Deleted: D

Deleted: C

Deleted: C

organization's viewpoints or sincerely held beliefs; or (2) be committed to furthering the organization's viewpoint or mission.

4. Free Speech Areas

4.1. Open Public Forums - The generally accessible, open, outdoor areas of NDSU's campus are considered open forums for free speech, subject to reasonable and constitutional time, place, and manner restrictions. If a group desires to have exclusive use of an open public forum, NDSU requires the group to obtain a reservation (See Section 6).

4.2. Designated Public Forums – NDSU has identified the following areas as restricted or designated forums. Utilization of these areas for free speech or expressive activity requires a reservation (See Section 6):

4.2.1. Areas inside buildings which have been identified as areas which may be rented or reserved.

4.2.2. Areas surrounding residential buildings from 10 am-10 pm (reservations for areas surrounding residential buildings are not available from 10 pm-10 am).

4.2.3. Areas surrounding academic buildings are closed during times when classes are held in that building and restricted when not in session.

4.2.4. Areas which must be restricted due to reasonable safety and security concerns, as designated by appropriate campus official(s).

4.2.5. Areas which must be restricted to enable the flow of pedestrian or vehicle traffic, as determined by appropriate campus official(s).

4.3. Closed Forums – Unless otherwise identified in this Policy, all other areas of campus are considered closed forums. Closed forums are those areas which are not designed for the exercise of free speech or expression or which have traditionally not been open to the exercise of free speech or expressive activity.

5. Reservation of Space and Fees for Public Assemblies

To further the effectiveness of an event, protest, assembly, or demonstration, organizers are encouraged to make advance arrangements. Advance logistical planning increases visibility of the event and enables the University to assist in the event taking place in a constructive and peaceful manner. Please consult the Dean of Student website for information about how to plan and make reservations.

5.1. Reservations and Facility Usage

5.1.1. When organizing a public assembly taking place in an open public forum, organizers are encouraged to consult the Dean of Students Office. The Dean of Students Office will assist in the event taking place in an effective and safe manner that does not disrupt normal functioning of the University.

5.1.2. Reservations for public assemblies and guest speakers are not required for academic or administrative units.

5.1.3. Some events may require the submission of a Facility Use Agreement and/or coordination with specific buildings, offices, or departments. Reservations must be made following the process in place for each particular space. Most routine events can be approved within two business days, however, the scope of an event may impact how long it takes to process a reservation request.

5.1.4. A reservation is required if an event requires/desires exclusive use of an open public forum. If multiple requests are made for the same space during the same time, reservation requests will be processed in the order in which they were received.

5.1.5. A space reservation affords the group the right to the reserved space for the time covered by the reservation. Any person or organization using or occupying the reserved

Deleted: utilize amplified sound or

Deleted: O

Deleted: P

Deleted: F

Deleted: are restricted

Deleted: and closed

Deleted: Any sound production must not constitute Disruptive Conduct;

Deleted: Any sound production must not constitute Disruptive Conduct;

Deleted: ;

Deleted: C

Deleted: F

Deleted: C

Deleted: F

Deleted: ¶

5. Public Assemblies and Guest Speakers ¶

5.1. Any public assembly or guest speaker taking place in an Open Public Forum with an expected attendance of more than 25 participants, including counter-demonstrators, requires a reservation (See Section 6). ¶

5.2. Any public assembly or guest speaker taking place in an Open Public Forum utilizing Amplified Sound requires a reservation (See Section 6). ¶

5.3. When organizing a public assembly taking place in an Open Public Forum with an expected attendance less than 25 participants, including counter-demonstrators, or without the use of Amplified Sound, organizers are encouraged to consult the Dean of Students Office. The Dean of Students Office will assist in the event taking place in an effective and safe manner that does not disrupt the normal functioning of the University. ¶

5.4. Reservations for public assemblies and Guest Speakers are not required for academic or administrative units.

Deleted: 6

Deleted: with the Dean of Students Office

Deleted: notification

Deleted: Additionally, with appropriate advance notice, the appropriate administration representative (e.g., student group advisor, University Police, etc.) will engage with participants during the event to help ensure that the event is effective and safe, and to assist organizers in seeing (... [1])

Deleted: 6.1. Most routine events can be approved within 48 hours, however, the scope of an event (... [2])

Deleted: also

Deleted: 6.2.

Deleted: 6.3.

space without a reservation must yield control of the reserved space in time to allow for the reservation and any time that may be needed to setup the space for the reservation.

5.1.6.NDSU may make facilities available to guest speakers or groups invited by campus representatives, and may subject such guest speakers or groups to the same terms and conditions governing use of the facilities for other outside groups. If NDSU chooses to make facilities available to guest speakers or groups invited by campus representatives, those facilities must be made equally available to all such speakers or groups.

5.1.7.NDSU may prohibit materially and substantially disruptive conduct.

5.2.Fees -

5.2.1.NDSU may not impose fees based on anticipated content or reaction thereto, but is not required to subsidize the free speech and expression of students, faculty, staff, student organizations, or their guests. The University may prescribe a fee schedule for use of specified campus spaces. The schedule shall be made available, by the area responsible for a particular space or venue, and shall not exceed the actual expenses incurred by the campus in making the space available. The schedule must not be wholly or partially based on viewpoint- or content-based criteria, but may include security and logistic fees based on the venue, the anticipated attendance, and other content-neutral factors. The cost of security will be set by the University Police and Safety Office. The criteria used to establish the fee schedule shall be made publicly available.

5.2.2The University may waive any applicable fee for an assembly contributing to the educational mission of the institution or engaging in charitable work.

5.2.3Academic and administrative units are not subject to the fee schedule.

Deleted: 6.4.

Deleted: -

Deleted: reserving

Deleted: on request

Deleted: be based on

Deleted: historical protest activity at events of similar attendance

Deleted: 6.5.

Deleted: 6.6.

6. Prohibited Items at Events Covered by this Policy

6.1.Dangerous weapons, as defined by N.D.C.C. § 62.1-01-01(1).

6.2.Firearms, except as permitted by law. See N.D.C.C. § 62.1-02-05.

6.3.Body-armor or makeshift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, without written permission from appropriate campus official(s).

6.4.Open flame, unless approved in advance by appropriate campus official(s).

Deleted: 7

Deleted: 7

Deleted: 7

Deleted: 7

Deleted: 7

7. Distribution of Literature and Chalking

7.1.Commercial literature may be distributed in designated public forums only:

7.1.1. At University events where the commercial activity has been pre-approved;

7.1.2. On University-approved bulletin boards per building's policy/guidance for use of bulletin boards. All other commercial solicitations are prohibited, unless authorized under and pursuant to NDSU Policy 150 and 700;

7.1.3. Through publications such as The Spectrum student newspaper, whose distribution on campus is pre-approved; and

7.1.4. A public literature rack and contact tables in the main level of Memorial Union (contact tables are available through reservation in the Memorial Union and a fee is charged to off-campus entities).

7.2.Chalking is prohibited on NDSU property.

Deleted: 8

Deleted: 8

Deleted: L

Deleted: 8

Deleted: 8

Deleted: 8

Deleted: 8

Deleted: In the Free Speech

Deleted: L

Deleted: 8

Deleted: only allowed for Residence Hall Move-in and NDSU Homecoming with permission from Facilities Management.

HISTORY:

New July 1990

Amended July 2001

Amended December 2002

Amended April 2005
Amended November 2005
Amended October 2007
Housekeeping September 2015
Housekeeping August 25, 2017
Amended October 29, 2018
Amended August 23, 2019

Page 5: [1] Deleted **Peterson, Casey** 8/4/21 9:15:00 AM

Page 5: [2] Deleted **Peterson, Casey** 8/4/21 9:19:00 AM

Policy Change Cover Sheet

This form must be completed for each policy presented. All areas in **red** including the header must be filled in or it will be sent back to you for completion. Gender-inclusive language should be used in revised and new policies submitted to SCC.

*If the revisions you are requesting include housekeeping changes, please submit the housekeeping changes first. The SCC Secretary will notify you once the housekeeping changes have been made and you can submit the Policy Change Cover Sheet at that time. Please submit housekeeping changes to ndsuscc@ndsu.edu. Refer to the [NDSU Senate Coordinating Council process](#) for more information about housekeeping changes.

Policy Number and Name: Section 601, Rights and Responsibilities of Community: A Code of Student Conduct

Effect of policy addition or change: Explain the important changes in the policy or effect of this policy.

Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s):

The policy was updated to be more inclusive of value-based conduct response, to clarify processes, and update language to ensure alignment with intersecting policies and procedures.

Is this a federal or state mandate: ☐ Yes ☒ No

This policy needs to be in place for the start of the new academic year; therefore expedited approval is requested.

Individual/Department/Committee or Organization submitting the policy change:

Emily Frazier, Assistant Dean of Students

Date Submitted to SCC Secretary: August 16, 2021

Email address of the person who should be contacted if revisions are requested:

Emily.Frazier@ndsu.edu or Casey.Peterson@ndsu.edu

The SCC Secretary will keep record of all actions taken on this policy change request on the SCC policy tracking spreadsheet. You will be notified once the policy has been approved and updated or if further revisions are requested.

North Dakota State University
Policy Manual

SECTION 601
RIGHTS AND RESPONSIBILITIES OF COMMUNITY: A CODE OF STUDENT CONDUCT

SOURCE: NDSU President

Table of Contents

1. Introduction5

1.1 General NDSU Values5

1.2 General Complaint Procedures6

1.3 Authority6

1.4 Individuals Covered Under this Code..... 6

2. Community Expectations8

2.1 General Student Responsibilities.....8

2.2 Responsible Action Expectations8

2.3 Student Conduct Communication8

3. Prohibited Conduct9

3.1 Violations of Law9

3.2 Complicity in Prohibited Acts9

3.3 Attempts to Commit Prohibited Acts.....9

3.4 Alcohol on NDSU Property9

3.5 Off Campus Alcohol9

3.6 Drugs Other Than Alcohol.....9

3.7 Conduct While Under the Influence of Alcohol or Other Drugs..... 10

3.8 Alcohol at Student Organization Events 10

3.9 Advertising Related to Alcohol..... 11

3.10 Smoking 11

3.11 Animals..... 11

3.12 Intellectual Property Infringement 11

3.13 Use of NDSU’s Name or Trademark 12

3.14 Sale of Class Lecture Notes/Materials..... 12

3.15 Misuse of Proprietary Information 12

3.16 Computer Related Conduct 12

3.17 Deception/Falsification/Misrepresentation..... 12

3.18 Financial Aid Misuse 12

3.19 Disruption of University Business 12

3.20	Failure to Comply.....	12
3.21	Identification.....	13
3.22	Bribery.....	13
3.23	Arson.....	13
3.24	Burglary.....	13
3.25	Robbery.....	13
3.26	Motor Vehicle Theft.....	13
3.27	Theft of Property.....	13
3.28	Theft of Services.....	13
3.29	Possession of Stolen Property.....	13
3.30	Vandalism.....	14
3.31	Trespassing.....	14
3.32	Unauthorized Sales, Solicitations, and Distribution of Materials.....	14
3.33	Traffic Safety and Parking Regulations.....	14
3.34	Unauthorized Entry/Use of Facilities.....	14
3.35	Intimidation.....	15
3.36	Unwanted Physical Contact.....	15
3.37	Physical Assault.....	15
3.38	Instigation/Provocation.....	15
3.39	Community Disturbances.....	16
3.40	Discrimination, Harassment, and Retaliation.....	16
3.41	Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Compliance.....	16
3.42	Other Acts of Harassment.....	17
3.43	Stalking.....	17
3.44	Lewd or Obscene Conduct.....	17
3.45	Endangerment of Individuals.....	17
3.46	Hazing.....	17
3.47	Sporting Activity Restrictions.....	18
3.48	Firearms/Explosives/Weapons.....	18
4.	Student Organizations/Activities.....	18
4.1	Responsibilities of Student Organizations and Affiliated University Groups.....	18
4.2	Student Organizations and Affiliated University Group Compliance with University Policy.....	19
4.3	Conduct Resolution and Enforcement Procedures.....	19
4.4	Recognition.....	19
4.5	Membership.....	20
4.6	Registration Requirements.....	20
4.7	National/International Affiliated Organizations.....	20

Deleted: Noise Disturbances and Other Disorderly Conduct...

4.8	On and Off Campus Activities/Events.....	20
4.9	Memberships	20
5.	Procedures	21
5.1	Reporting and Investigating Complaints	23
5.2	Reporting Alleged Code Violations	23
5.3	Student Advisor Options	24
5.4	Investigation	24
5.5	Interim or Remedial Measures.....	25
5.6	Right to Entry	25
5.7	Notice of Alleged Violations	26
5.8	Prehearing Conference	26
5.9	Conduct Hearings.....	26
5.10	Default Proceedings and Unresolved Alleged Code Violations.....	27
5.11	Student Organizations in Default.....	28
5.12	Conflicts of Interest	28
5.13	Standard of Proof	28
5.14	Witnesses/Witness Statements.....	28
5.15	Evidence.....	29
5.16	Self Incrimination	29
5.17	Closed Hearings	29
5.18	Appeals.....	29
6.	Hearing Procedures for Suspension or Expulsion Cases	29
6.1	Introduction.....	29
6.2	Case Presentation and Response.....	30
6.3	Questioning of Witnesses and Parties.....	30
6.4	Closing Statements	30
6.5	Notice of Decision	30
7.	Sanctions and Conditions.....	30
7.1	Sanctions	31
7.2	Conditions	33
8.	Appeal Procedures.....	34
8.1	Deadline for Appeals.....	34
8.2	Appeal Documentation	34
8.3	Emergency Provisions.....	34
8.4	Review	35
8.5	Appeal Advisory Board	35
8.6	Appeal Decision	35

Deleted: Fraternities and Sororities

Deleted: →

Deleted: Decision/Sanction

9.	Special Circumstances and Conditions	35
9.1	Registration/Graduation Hold	35
9.2	Returning and/or New Students	35
9.3	Rehearing Requests for Cases Resulting in Suspension or Expulsion	36
9.4	Temporary Emergency Suspension	36
9.5	Administrative Withdrawal	36
9.6	Negotiated Withdrawal	36
9.7	Crimes of Violence.....	37
10.	Conduct Records.....	37
10.1	Disclosure	37
10.2	Retention and Destruction	38

1. Introduction

1.1 General NDSU Values

All North Dakota State University (NDSU) students have an opportunity to maximize their education when every member of the NDSU community observes and helps maintain a code of personal conduct. The Code of Student Conduct (Code) is derived from three core values that support an educational environment:

- Respect for the NDSU community (on and off campus),
- Respect for the protection and rights of others, and
- Respect for students in the conduct resolution process.

This Code strives foster development of personal accountability and commitment to the mission and values of the NDSU community.

Respect for the NDSU Community

Every NDSU student has a responsibility to respect NDSU property and all community members. It is expected that all individuals will conduct themselves in a manner that promotes the welfare of themselves, others, and the educational mission of the University. Respect for community involves awareness of how personal decisions affect others, both positively and negatively. Respect for community also includes appreciating the value and importance of knowledge, identities, and lived experiences each member contributes to NDSU.

Respect for the Protection and Rights of Others

Respect for the protection and rights of others is necessary to provide a positive and enriching educational environment. Conduct that inhibits the educational focus of others in unacceptable, whether it occurs on campus, off University premises, or in virtual spaces.

Deleted: gain the most from

Deleted: takes responsibility to

Deleted: that contributes to the educational effectiveness of the University

Deleted: ly purposeful

Deleted: he intent of t

Deleted: is to

Deleted: educational

Deleted: All

Deleted: akeholders

Deleted: ve

Deleted: the

Deleted: vital for

Deleted: to

Deleted: does not negatively affect the

Deleted: or

Deleted: or

Deleted: This includes promoting an environment conducive to learning and nurturing a sense of shared and mutual community responsibility. Community responsibility also involves awareness of how personal decisions affect others....

Deleted: A community r

Deleted: ing

Deleted: process is of concern,

Deleted: or

Respect for Students in the Conduct Resolution Process

This Code identifies student rights and outlines due process. NDSU will work with all impacted students in an equitable manner to promote education and growth.

Deleted: c

Deleted: All NDSU students have identified rights within the Code of Student Conduct and as afforded by due process as outlined in this Code. The University will work with students in an educational and fair manner to assist them in reflecting upon and growing from their personal experiences....

Inclusion Statement

NDSU stands firmly against discrimination of every kind. Belonging is a fundamental human need and is essential in any learning environment, therefore every admitted student belongs at NDSU. Students are responsible for their words and actions, as well as the impact of them. Acts of bias and hate, by their nature, detract from students' sense of belonging and the achievement of NDSU's core values. NDSU will address any actions or incidents that violate this Code or NDSU's Core Values through disciplinary and/or educational means.

1.2 General Complaint Procedures

Students may report general concerns, issues, and complaints utilizing the Concern and Complaint Form. The complaint procedure is designed to provide for orderly collection of information and to address students' complaints in a timely manner by appropriate University personnel.

Deleted: Problems and Complaints guidelines and

Deleted: form

Deleted: ,

Deleted: , and to help students learn effective conflict resolution skills...

Students may also arrange a meeting with a staff member in the Dean of Students Office, Old Main 100. A staff member will listen to the student's experience and explain options for support and resolution. All information shared will remain private among impacted parties, and students are protected from retaliation by this Code (3.40). Depending on the content of the report, however, some reports may be posted on the Equal Opportunity and Title IX Compliance site. Such reports will be reviewed on a case by case basis and will not contain personally identifiable information or information that is easily traceable to individual students.

Deleted: Student Affairs and Enrollment Management

Deleted: , for advice and direction in resolving the problem....

Deleted: R

Deleted: R

Deleted:

Deleted: [PAGE DESCRIPTION].

Deleted: related to the possible endangerment of NDSU community members will be posted..., but will not contain identifying information.

Complaints regarding student conduct covered in this Code will be resolved according to procedures described in this document (Sections 5 & 6).

1.3 Authority

The Vice Provost for Student Affairs and Enrollment Management (the "Vice Provost"), as delegated by the President, has responsibility for supervision of the process of handling the University's response to student violations of University rules and regulations, including the imposition of sanctions. All student non-academic conduct that violates University rules, regulations, and values, and conduct occurring off-campus that affects the University community is considered the responsibility of the Vice Provost.

Deleted:

Deleted: and

This authority includes the overall supervision of any administrative committees and boards charged with hearing complaints against students or student organizations for violation of those rules and regulations. Student organizations and University employees are required to

inform the Vice Provost or designee whenever action is deemed necessary against a student or student organization.

The Code contains statements of University policies relevant to student life. Development and enforcement of these standards of conduct are an educational endeavor designed to foster students' personal, social, and ethical development. This document forms the basis for student conduct expectations as a member of the NDSU community. The enforcement of these standards serves to promote the protection of the rights, responsibilities, and health and safety of all members of the NDSU community.

Conduct described in this Code is illustrative rather than exhaustive. The term "including" should be interpreted to mean "including, but not limited to." All ambiguities, inconsistencies, or clarifications of the Code will be resolved by the Vice Provost or designee. Faculty, staff, and students are encouraged to request clarification if a clause or rule is unclear. Final authority for interpretation of this Code lies with the Vice Provost.

Administrators identified in this document may designate one or more individuals to act on their behalf.

Questions should be referred to the Dean of Students Office, Old Main 100.

1.4 Individuals Covered Under this Code

A "student" is defined as any one who has been admitted to the University, or is enrolled in courses. Students may be held accountable under this Code for violations committed any time after they were admitted. Students are accountable for their guests' conduct and may be sanctioned as if they had committed the violations themselves. Student organizations are held to the same conduct standards as individual students. Additionally, individuals permitted by special status to utilize NDSU services may be held accountable under this Code. The University will use its discretion to determine if such action is necessary and/or appropriate.

Students have varying relationships within and outside of the University. As such, a student may be held accountable for prohibited conduct through multiple processes. Examples of other areas of accountability may include:

- Student athletes under the Student Athlete Code of Conduct
- Student leaders within student organizations
- Employer actions with student employees
- Academic actions under academic programs' professional standards
- Criminal charges or civil suits

The University's procedures are educational and not criminal in nature, so separate proceedings do not constitute double jeopardy. The University may proceed under this Code

Deleted: of Student Conduct

Deleted: Student Affairs and Enrollment Management

Deleted: For the purpose of this document,

Deleted: individual

Deleted: and

Deleted: one or more

Deleted: ;

Deleted: if a student's guest commits prohibited acts, the student...

Deleted: ¶
¶

Deleted: may

Deleted: roles

Deleted: Personnel

before, during, or after the other NDSU administrative processes or legal proceedings. NDSU does not typically wait for a court judgment prior to proceeding with University process. Findings under this Code may differ from judgments in criminal courts. Court judgments are not determinative of University findings.

2. Community Expectations

2.1 General Student Responsibilities

All students are expected to observe the University standards published in the [University Policy Manual](#). ~~Policy 601~~ outlines responsibilities that pertain specifically to students.

However, students must follow all other University policies, procedures, contracts, or license agreements published elsewhere.

The University may address acts of prohibited conduct committed outside of University property when NDSU becomes aware of alleged Code violations through law enforcement or other third party reports.

2.2 Responsible Action Expectations

All students are encouraged to promote the well-being of themselves, fellow students, and others. If an individual needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, it is critical that students take responsible action by calling an ambulance or other appropriate emergency response personnel (police, fire, etc.) to gain that assistance.

Responsible action includes:

1. CALL for help: In medical emergencies, immediate action should be taken by calling 9-1-1 either off or on campus. In non-emergency situations, students can also contact NDSU Police (701-231-8998) or notify Residence Life staff.
2. STAY with the individual until help arrives and notice has been given that assistance is no longer needed.
3. COOPERATE with responding staff or emergency personnel, including all requests for information and assistance.

Students/student organizations who take such responsible action, or for whom such action is taken, will not be subject to the student conduct process for alleged policy violations related to alcohol or drug use or minor policy violations, nor will the incident become part of the student's conduct record. However, students [including the student(s) needing assistance and reporter(s)] may be required to have an educational meeting with University personnel and/or complete an educational program. This protection may not apply if other conduct violations occurred within the same incident.

2.3 Student Conduct Communication

Student conduct communication will be sent to the student's email address as provided by

Deleted: Policy 601

the University. This address is considered the official form of communication for all purposes and students are expected to monitor this account. (See [NDSU Policy 609, E-mail as an Official Communication Method to Students](#))

3. Prohibited Conduct

3.1 Violations of Law

Violation of local, state, or federal law is prohibited by this Code. The University reserves the right to address conduct occurring on or off campus that may be construed as potential or alleged violations.

3.2 Complicity in Prohibited Acts

Complicity is association with and/or participation in an act prohibited by this Code. To avoid being complicit in Code violations, students are expected to do one or more of the following:

- Personally confront those involved and stop the violation, except in cases of violence;
- Bring the violation to the awareness of a staff member; or
- Leave the scene of the violation, if not responsible for the space in which the violation is occurring.

3.3 Attempts to Commit Prohibited Acts

Attempting to commit prohibited acts is a violation of this Code and may be addressed as if the prohibited act had been committed.

3.4 Alcohol on NDSU Property

Regardless of a student's age, the manufacture, sale, transfer, purchase, transportation, possession, use or consumption of alcohol, and/or possession or display of empty alcohol beverage containers anywhere on NDSU owned or controlled property and/or sponsored or supervised events is prohibited.

3.5 Off Campus Alcohol

Illegal use or possession of alcohol off campus is prohibited including minor in possession/consumption/under the influence of alcohol, driving under the influence of alcohol, and public consumption of alcohol.

3.6 Drugs Other Than Alcohol

Possession, consumption, being under the influence, or transport of illegal drugs or any other

controlled substances is prohibited except pursuant to a physician's, dentist's, or other authorized medical personnel's prescriptions (see next paragraph for information regarding medical marijuana). The manufacture, exchange, distribution, purchase, or sale of illegal drugs or controlled substances is prohibited. The possession of drug paraphernalia is prohibited.

Although North Dakota state law permits the use of medical marijuana, i.e., use by individuals possessing lawfully issued medical marijuana cards, federal laws prohibit marijuana use, possession, and/or cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession, or cultivation of marijuana for medical purposes is therefore not allowed in any NDSU housing or other University property, nor is it allowed at any University sponsored event or activity off campus.

3.7 Conduct While Under the Influence of Alcohol or Other Drugs

Being under the influence of alcohol or other drugs is prohibited when the student causes a disturbance or endangers, or may endanger, the safety of others, property, or themselves.

3.8 Alcohol at Student Organization Events

Sale of alcoholic beverages by students and student organizations is prohibited. This includes any action that can be remotely construed as an alcohol sale, such as charging admission to parties, passing the hat, selling empty cups, and selling drink tickets. Alcohol, if available, must be sold and served by licensed third party vendors.

Common sources or a bulk quantity of alcohol, such as cases or kegs, are not permitted at any student organization sponsored event, or in fraternity and/or sorority housing.

No activities or promotions shall encourage excessive and/or rapid consumption of alcoholic beverages. This includes contests, drinking games, and discounts or special pricing of alcoholic beverages. Use of alcohol at events is expected to be lawful and responsible.

Alcoholic beverages may not be used as awards or prizes in connection with events or activities. Prize coupons and/or gift cards donated by establishments with a liquor license must include the statement, "Not valid for purchase of alcohol."

Student organization or public funds may not be used for the purchase of alcoholic beverages or gift cards to alcohol establishments.

Recognized NDSU student organizations planning off campus events at a venue where alcohol may be present must complete and submit an [Alcohol Risk Management Form \(ARMA\)](#) and a guest list to the Student Activities Office, Memorial Union 120. Events involving alcohol must be closed events, intended only for organization membership and invited guests, and alcohol must be sold and served by a licensed third party vendor.

Deleted: ¶

3.9 Advertising Related to Alcohol

Alcohol promotional activities, including advertising, shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off campus, and is prohibited. This includes novelty items, giveaways, and apparel associated with the event. Advertising of establishments that sell alcohol must adhere to the following guidelines:

- Shall not include brand names, logos, prices, visual images, or verbal phrases that refer to consumption of alcoholic beverages;
- Shall not encourage any form of alcohol abuse or promote alcohol specials such as two for ones, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol;
- Shall not portray drinking as a solution to personal or academic problems or necessary for social, sexual, or academic success;
- Shall not associate consumption of alcoholic beverages with performance of tasks that require skilled reactions such as operation of motor vehicles or athletic performance; and
- Shall include a statement of low-risk such as “know when to say when” or “please use our products legally and in a responsible manner.”

For additional policy details, consult [NDSU Policy 155, Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees](#).

3.10 Smoking

Smoking, including vaping, is prohibited on NDSU grounds and in University buildings, residence halls, apartments, and enclosed structures. See [NDSU Policy 153, Smoke-Free Facilities](#).

3.11 Animals

With the exception of animals authorized by NDSU or those defined as service animals under the Americans with Disabilities Act (ADA), privately owned animals are prohibited inside campus buildings. Animals in outdoor areas must be on a leash, must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible for any health or safety issues that may arise due to the presence of these animals on University properties and at NDSU sponsored or supervised events. Questions may be directed to the Facilities Management Director, Thorson Maintenance Center, 701-231-7911. See [NDSU Policy 100.2, Use of Service and Assistance Animals](#).

3.12 Intellectual Property Infringement

Infringement of any intellectual property is prohibited. When reproducing or distributing information, students are responsible for observation of copyrights and other intellectual property rights of others by observing institutional and North Dakota University System (NDUS) policies and all state and federal laws. See [NDSU Policy 190, Employee](#)

[Responsibility and Activities: Intellectual Property.](#)

3.13 Use of NDSU's Name or Trademark

Use of NDSU's name without prior authorization is prohibited. See [NDSU Policy 700.1, Use of University Name.](#)

3.14 Sale of Class Lecture Notes/Materials

Transferring class lecture notes or instructor provided materials for commercial purposes, unless approved by the course instructor, is prohibited. Note: This policy does not prevent note taking provided as part of an ADA accommodation.

3.15 Misuse of Proprietary Information

Unauthorized use or misuse of proprietary information, in any form, is prohibited.
"Proprietary" means property in which the University or its employees and/or students have a legal interest or responsibility to maintain confidentiality. See [NDSU Policy 343, Confidential Proprietary Information.](#)

3.16 Computer Related Conduct

Failure to follow University acceptable use of electronic communication devices is prohibited. See [NDSU Policy 158: Acceptable Use of Electronic Communications Devices.](#)

3.17 Deception/Falsification/Misrepresentation

Withholding information or providing false information is prohibited. This includes:

- [Providing false identification;](#)
- [Falsely representing an entity and/or committing or using the resources of an entity without proper authorization;](#)
- Knowingly, intentionally, or recklessly making false accusations of prohibited conduct against another individual; and/or
- Altering, destroying, or falsifying evidence.

Deleted: Misrepresentation or providing false identification¹

3.18 Financial Aid Misuse

Misuse of financial aid through fraud or abuse is prohibited.

3.19 Disruption of University Business

Disruption or obstruction of University business, facilities, and grounds, such that the function or service is materially or substantially disrupted or obstructed, is prohibited. University business includes: teaching, research, administration, public service functions, meetings of University committees or boards, or any other authorized University activity or organization on or off University premises.

3.20 Failure to Comply

Failure to comply with the instructions or directions of all University and/or emergency

personnel in the performance of their duties is prohibited. Such acts may include recklessly obstructing or delaying any University proceedings, providing misleading or false information, resisting or fleeing a police officer, or failing to comply with assigned University directives or conduct sanctions.

Deleted: during an investigation

3.21 Identification

Students are expected to carry University identification at all times. Failure to produce a University identification card upon request by any University personnel in the performance of their duties is prohibited.

3.22 Bribery

Offering, giving, receiving, or soliciting anything of value to persuade an individual to act in another's favor, is prohibited.

3.23 Arson

Unlawful or intentional damage or attempt to damage any real or personal property by fire or incendiary device is prohibited.

3.24 Burglary

Unlawful entry into a building or another structure with the intent to commit a felony or theft is prohibited.

3.25 Robbery

Taking or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another by force or threat of force and/or violence or by putting another in fear of immediate harm is prohibited.

3.26 Motor Vehicle Theft

Theft or attempted theft of a motor vehicle is prohibited.

3.27 Theft of Property

Theft or removal of property belonging to another individual, the University, or any other entity is prohibited.

3.28 Theft of Services

Using University services to which one is not entitled is prohibited. This includes using campus laundry services intended only for campus residents, and the unauthorized use of University parking, dining, and/or printing services.

3.29 Possession of Stolen Property

Possession of goods that a reasonable individual would realize were stolen is prohibited. This includes receiving, retaining, concealing, or disposing of property knowing that it was stolen.

Deleted: one knows or that any

Deleted: 1

3.30 Vandalism

The intentional destruction or defacement of property belonging to another individual, the University, or any other entity is prohibited. This includes writing on or tearing down bulletin boards, spray painting or unauthorized chalking of buildings or sidewalks, and [affixing materials to](#), breaking, or damaging property.

3.31 Trespassing

Entering and/or remaining in or on property to which a student does not have a legitimate right or purpose to enter or remain is prohibited. Such property may include vehicles, apartments, houses, fenced yards, construction sites, and/or other buildings or portions of buildings, such as roofs. Properties need not be specifically posted with No Trespass signs.

3.32 Unauthorized Sales, Solicitations, and Distribution of Materials

Unauthorized sales, solicitations, and/or distribution of leaflets, signs, or posters in residence halls, university apartments, or in any other campus buildings or property are prohibited. See [NDSU Policy 700, Services and Facilities Usage](#) and [NDSU Policy 154, Distribution of Literature](#), or contact:

Memorial Union

Director of Operations
Administrative Office, Room 246
Memorial Union

Residence Life

Associate Director of Residence Life
West Bison Court

Other Areas

Director of Facilities Management
Thorson Maintenance Center

3.33 Traffic Safety and Parking Regulations

Failure to follow University traffic safety and parking regulations is prohibited. See [NDSU Parking Regulations](#).

3.34 Unauthorized Entry/Use of Facilities

Unauthorized entry/use of facilities is prohibited. Examples of unauthorized entry and use include:

- Any University facility or portion thereof that has been reserved, restricted in use, or placed off limits;
- Any University facility after closing hours;

Deleted: Facilities

- Entry, use, or occupancy to spaces which students are not permitted, such as spaces limited by virtue of enrollment, employment, class schedule, and/or gender in facilities restricted by gender;
- All building roofs, fire escapes, steam tunnels, elevator shafts, equipment storage, mechanical rooms, and construction sites;
- Duplication, manufacture, possession, loaning, or use of any key/access card or unlocking device for use on University facilities, locks, or other property on University premises without proper authorization; and
- Entering a residential facility without being escorted by a resident or failure to escort non-residents.

3.35 Intimidation

~~Intimidation or threats~~ to an individual's or group's safety, safety of property, academic efforts, employment, or participation in University sponsored activities ~~are prohibited. Threats are defined as statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group. Intimidation is defined as a type of threat where a speaker directs a threat to a person or group with the intent of placing them in fear of bodily harm or death. This includes statements or actions towards members of a protected class (NDSU Policy 100) that are customarily viewed as hostile and intimidating. Unless otherwise deemed to be Protected Conduct (as defined in NDSU Policy 154), such behavior is subject to student disciplinary action when the behavior meets the definition of "student-on-student discriminatory harassment" or "student-on-student harassment" contained in NDSU Policy 154: Freedom of Speech, Expression, and Assembly.~~

Deleted: Conduct in any form that involves an expressed or implied...

Deleted: 's

Deleted: personal

Deleted: ; or poses a threat of substantial disruption to the University is prohibited.

3.36 Unwanted Physical Contact

Unwanted physical contact by a student upon another is prohibited.

Deleted: Examples include kissing, hugging, and backrubs....

3.37 Physical Assault

Physical assault by a student on another is prohibited. Examples include use of physical force, violence, intoxicants, or other substances to restrict the freedom of action or movement of another, and/or endanger the health or safety of another, regardless if obvious or aggravated bodily injury is sustained.

3.38 Instigation/Provocation

~~The use of abusive epithets that are inherently likely to provoke immediate violent reaction or substantial disruption to the University is prohibited. Unless otherwise deemed to be Protected Conduct (as defined in NDSU Policy 154), such behavior is subject to student disciplinary action when the behavior meets the definition of "student-on-student discriminatory harassment" or "student-on-student harassment" contained in NDSU Policy 154: Freedom of Speech, Expression, and Assembly.~~

Deleted: face-to-face

Deleted: personally

Deleted: , when addressed to another,

Deleted: ; whether or not the reaction occurs

3.39 ~~Community~~ Disturbances

Conduct that intentionally or recklessly creates a risk of public inconvenience, annoyance, or alarm without proper authority is prohibited. Examples include participating in or hosting noisy or loud parties/gatherings or other public disturbances on or off campus, making unreasonable noise, fighting, engaging in violent behavior, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, and streaking.

Deleted: Noise

Deleted: and Other Disorderly Conduct

3.40 Discrimination, Harassment, and Retaliation

NDSU is fully committed to providing a safe and non-discriminatory learning, living, and working environment for all members of its university community. For complete information regarding discrimination, harassment, and retaliation please see [NDSU Policy 100, Equal Opportunity and Non-Discrimination](#), [NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures](#) and [NDSU Policy 162, Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy](#).

Students are encouraged to report incidents or information related to discrimination, harassment, and retaliation as soon as possible. Any NDSU employee who becomes aware of a potential violation of NDSU Policy 100 involving students shall report the information (see [Report Form](#)) either to the Title IX Coordinator/Equity Office or to the ~~Dean of Students~~ Office.

Deleted: Student Affairs

Title IX Coordinator/Equity Office
Old Main 201
Phone: 701-231-7708

~~Dean of Students~~ Office
Old Main 100
Phone: 701-231-7701

Deleted: Student Affairs and Enrollment Management

3.41 Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Compliance

NDSU strives to create a campus community free from sexual discrimination of any kind. For complete information regarding sexual misconduct and Title IX compliance, please see [NDSU Policy 162, Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy](#).

Students are encouraged to report incidents or information related to sexual and gender-based harassment, sexual misconduct, and Title IX as soon as possible. Any NDSU employee who becomes aware of potential violation of NDSU Policy 162 shall report the information (see [Report Form](#)) to the Title IX Coordinator/Equity Office or to the ~~Dean of Students~~ Office.

Deleted: Student Affairs

Title IX Coordinator/Equity Office
Old Main 201
Phone: 701-231-7708

Dean of Students Office
Old Main 100
Phone: 701-231-7701

Deleted: Student Affairs and Enrollment Management

3.42 Other Acts of Harassment

Any unwelcome action or any series of unwelcome actions that unreasonably interfere with an individual's academic efforts, employment, safety, or participation in University sponsored activities is prohibited. Unless otherwise deemed to be Protected Conduct (as defined in NDSU Policy 154), such behavior is subject to student disciplinary action when the behavior meets the definition of "student-on-student discriminatory harassment" or "student-on-student harassment" contained in NDSU Policy 154: Freedom of Speech, Expression, and Assembly.

Deleted: personal

Deleted: co-curricular

3.43 Stalking

Stalking is prohibited. Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct that would cause a reasonable individual to feel fear for the safety of self or others or to suffer substantial emotional distress. See [Policy 162](#).

3.44 Lewd or Obscene Conduct

Lewd or obscene behavior that infringes upon community standards with respect to sexuality is prohibited. Lewd behavior includes sexual acts in public places and exposing genitalia in nonconsensual circumstances.

3.45 Endangerment of Individuals

Endangerment of individuals is prohibited. Examples include:

- Willful failure to comply with orders issued by any emergency personnel during any real or perceived emergency condition or willful failure to follow safety standards;
- Tampering with any fire protection sign or device or any other emergency equipment, elevator controls, elevator shaft access, and/or other elevator equipment; and
- Creating a risk of bodily harm or creating the impression of risk of bodily harm to others; causing a reasonable individual to feel fear for the safety of self or others or to suffer emotional distress.

Deleted: .

3.46 Hazing

Hazing, regardless of location, intent, or consent of participants, is prohibited. Hazing is defined as any action or situation that implicitly or explicitly is required for student admission or affiliation with an organization or group. Such activities and situations include paddling in any form; creating excessive fatigue; forced consumption of any substance; forced road trips; morally degrading, demeaning, unsanitary, humiliating games or stunts; and harassment, ridicule, or other activities prohibited by law or University policy.

It is the responsibility of the organization and its leadership in conjunction with the

(inter)national organization, if any, to protect potential members, members, or others associated with the organization from any hazing activity or practice conducted, condoned, or encouraged by the current members of the organization, alumni, or other associates.

3.47 Sporting Activity Restrictions

~~Sporting activities, without proper authorization inside any University facilities, is prohibited.~~

~~Examples include the use of skateboards, scooters, skates, hover boards, bicycles, water guns, water balloons, projectile launchers, and throwing of flying discs, balls, et cetera.~~ For guidance, contact the Director of [University Police and Safety Office](#).

Deleted: U

Deleted: and

Deleted: inside any University facilities is prohibited. Use of ...

Deleted: or other objects also are prohibited indoors, except when authorized

3.48 Firearms/Explosives/Weapons

Unauthorized and/or illegal possession, display or use of firearms, explosives, or other weapons is prohibited.

- Firearms include airsoft guns, BB guns, dart guns, handguns, paint ball guns, pellet guns, rifles, shotguns, and stun guns or similar devices designed to deliver an electric shock.
- Explosives include bombs, fireworks, and other incendiary devices. Incendiary devices are defined as any flammable substance enclosed in a readily breakable container that can be equipped with an igniter of any type.
- Other weapons include martial arts implements, dangerous fuels and chemicals, and daggers, knives, sabers, swords, and bows and arrows. Any object may be considered a weapon when used to inflict or threaten infliction of bodily injury or property damage.

This policy shall not prohibit students or student organizations from possessing, storing, or using weapons at approved locations for the purpose of meeting requirements of educational programs and/or a student group recognized by the University. For authorization, contact the Director of the [University Police and Safety Office](#).

The [University Police and Safety Office](#) provides limited, temporary storage space for on-campus residents to store ammunition and sporting arms, such as those used for hunting and other shooting sports. Sporting arms should be checked in immediately upon arrival to NDSU and checked-out immediately prior to leaving the campus. An officer must be present for check-in/check-out. The [University Police and Safety Office](#) is open and available for check-in/check-out on a 24/7 basis.

4. Student Organizations/Activities

4.1 Responsibilities of Student Organizations and Affiliated University Groups

A student organization or an affiliated University group shall be deemed responsible for acts of prohibited conduct committed by individuals when such acts meet one or more of the following criteria:

- Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly;
- Take place in the context of a tradition, custom, or past practice of the group or organization; or
- Are reasonably foreseeable as a result of an activity carried on by the student organization or affiliated University group.

Students residing in properties owned by organizations or affiliated University groups will be held responsible for their conduct, conduct of their guests, and controlling access to their premises.

4.2 Student Organizations and Affiliated University Group Compliance with University Policy

Student organizations and affiliated University groups must comply with University policies, procedures, and regulations. Prohibited conduct includes misappropriation of funds, misuse of property, improper registration or misrepresentation of an organization or group, or abuse of student election regulations.

4.3 Conduct Resolution and Enforcement Procedures

For information concerning the Code resolution procedure(s) to be utilized, refer to Part 5. Procedures and Part 6. Hearing Procedures for Potential Suspension or Expulsion Cases.

When a student organization or an affiliated University group is noticed with prohibited conduct, the presiding officer or students affiliated with the group shall be required to participate as representatives of the group in proceedings conducted under this Code.

In some cases, organizational officers or student members may also be noticed with individual violations related to the original incident involving the organization, in separate proceedings.

Because conduct records of student organizations are not protected by the Family Educational Rights and Privacy Act (FERPA), any individual is entitled to learn the results of conduct actions taken against student organizations as long as those disclosures do not compromise the privacy of any individual student's education record. In such situations, individual student names will be removed per federal protections.

4.4 Recognition

Recognition of student organizations is granted by the Congress of Student Organizations Commission and registered in the Student Activities Office in Memorial Union. Although student organizations are independent units which exist at NDSU and are not considered agents of the University, they are expected to uphold and comply with institutional and North Dakota University System (NDUS) policies and local, state, and federal laws.

Students and student organizations are free to examine and express opinions publicly and privately. They are free to support causes by orderly means that do not disrupt regular and essential operations of the University. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

4.5 Membership

Membership in student organizations and affiliated University groups is limited to current students, faculty, and staff of NDSU.

4.6 Registration Requirements

- The following information must be electronically filed with the Student Activities Office: Organization registration form,
- Privacy Statements by students in leadership positions, and
- Copy of the current constitution.

Students holding elected or appointed leadership positions must meet the following academic and good conduct eligibility standards:

- Must have attained and must maintain during the term of participation a minimal cumulative grade point average of 2.0 and may not be on academic probation.
- Must be an enrolled NDSU student.
- Must be in good conduct standing with the [Dean of Students](#) Office.

Additional information regarding eligibility for participation in co-curricular activities can be found on the Student Affairs and Enrollment Management [website](#).

4.7 National/International Affiliated Organizations

National/international affiliated organizations must uphold the policies and procedures of their national/international organizations in addition to University policies and procedures. University policies will supersede in the case of conflicting policies.

4.8 On and Off Campus Activities/Events

All on and off campus activities/events must follow all guidelines and procedures set by the Student Activities Office. For further information, contact the Student Activities Office, 120 Memorial Union or nds.sao@nds.edu.

4.9 Fraternities and Sororities

Membership

Social fraternities and sororities are chartered with a single institution and therefore are ineligible for Tri-Collegestudents; membership is limited to students enrolled at NDSU.

Deleted: ¶

Deleted: Student Affairs and Enrollment Management

Residents of Greek Chapter Houses

Only initiated member(s) of that chapter currently enrolled at NDSU, or a house employee, may reside in the house during the fall and spring semesters without authorization from the Student Activities Office and chapter leadership.

Summer Rules

Fraternity and sorority presidents are to furnish names of the summer house managers to the Coordinator of Fraternity and Sorority Life, Student Activities Office. Chapter leadership is required to inform summer residents of University and fraternity/sorority life policies.

Alcohol and Other Drugs

- Fraternity Houses – No alcoholic beverages are permitted in common areas of chapter property at any time. Student members who are 21 years of age may consume alcohol that is less than 15% ABV in the privacy of their rooms/suites with no more than three others who are also 21 years of age or older. If multiple individuals live in one room/suite, all must be 21 years of age or older for alcohol to be present and/or consumed. Illegal drugs are not permitted on chapter or campus property at any time.
- Sorority Houses – National Panhellenic Conference policy requires alcohol free facilities for all house chapters. Illegal drugs are not permitted on chapter or campus property at any time.

Code Violations

As is the case with all University student organizations, fraternities and sororities will be held responsible for any conflicts with University policies occurring in chapter residences or at functions or social events sponsored by chapters.

5. Procedures

Resolution of Alleged Code Violations

The Code resolution process generally includes the following steps:

- Receipt of an incident report;
- Creation of a conduct file;
- Investigation of incident, if necessary;
- Implementation of interim or remedial measures, if necessary;
- Notice of alleged violations;
- Prehearing conference;
- Administrative hearing;
- Notice of decision;
- Right of appeal; and
- Notice of appeal decision.

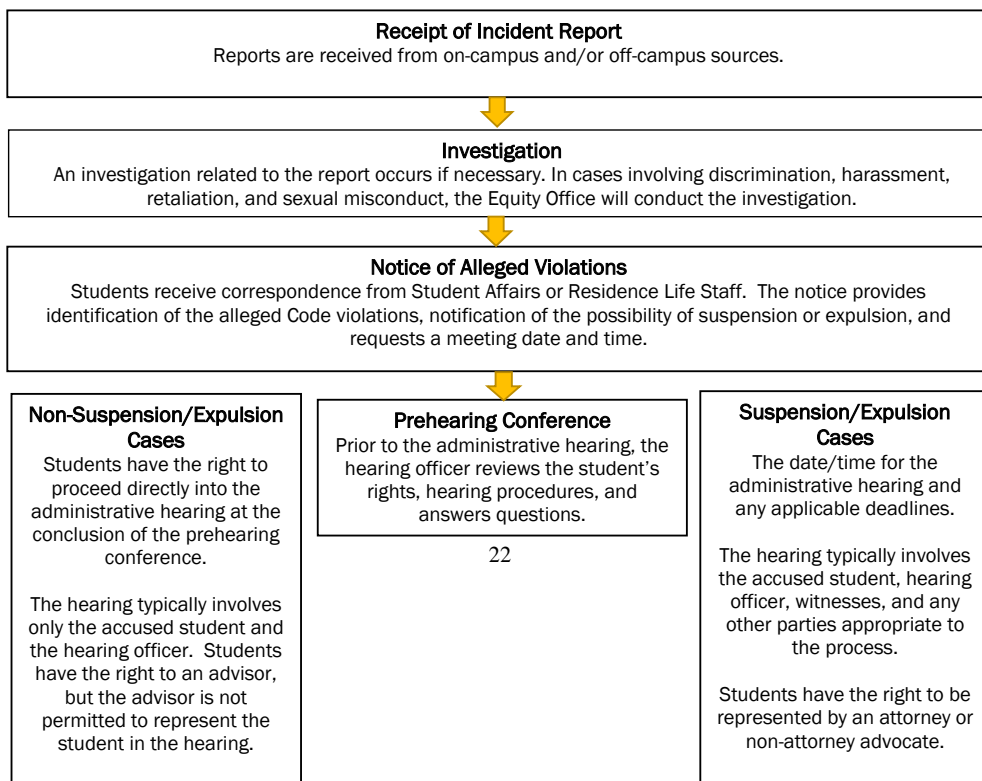
This process is designed to:

Deleted: 1

- Provide for the education of students;
- Promote the health, safety, and well-being of University community members;
- Provide for fair inquiries concerning alleged violations of University policies;
- Determine whether or not any individual student has violated a University policy;
- Allow for consideration of extenuating or mitigating factors when a violation has been found to exist;
- Determine a resolution; and
- Assist the student in reflecting upon and growing from their personal experiences.

A detailed description of these steps is provided below. Cases related to discrimination, harassment, retaliation, and sexual misconduct may require some modification of the resolution process, as approved by the NDSU Title IX Coordinator. For additional information, see [NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures](#)

Resolution of Code of Student Conduct Violations Flowchart





Administrative Hearing

All student conduct cases are facilitated through an administrative hearing, but some procedures differ based on the eligibility for suspension/expulsion as an outcome.

The purpose of the administrative hearing is to determine whether or not there has been a violation of university policy.

Students have the right to make a statement describing the event(s) that led to the alleged violations, bring witnesses/witness statements, and provide additional evidence.



Notice of Decision

A notice of decision is emailed within ten business days of the administrative hearing. The notice indicates if students have been found responsible and outlines any rationale, assigned sanctions, and conditions, if applicable.



Right of Appeal

Students are afforded a one-step appeal process. The appeal must be submitted within five business days of the Notice of Decision. The decision may be upheld, overturned, or modified and is final.

5.1 Reporting and Investigating Complaints

When provided information by law enforcement agencies, the University reserves the right to initiate action under this Code when alleged violations of the Code are believed to have occurred. Reports and investigations are used to determine whether a student is responsible for alleged violations of the Code of Student Conduct.,

5.2 Reporting Alleged Code Violations

Alleged Code violations should be reported as soon as possible following the discovery of alleged prohibited conduct. Reports may be initiated by law enforcement, any member of the NDSU community, or other interested parties. An alleged violation should be reported to one of the following:

[Dean of Students](#) Office

Old Main 100701-231-7701

nds.srr@nds.edu

Department of Residence Life

West Bison Court

Deleted: Student Affairs and Enrollment

701-231-7557
ndsu.residence.life@ndsu.edu

Equal Opportunity and Title IX Compliance

Old Main 201
701-231-7708
ndsu.eoaa@ndsu.edu

For cases of discrimination, harassment, retaliation, and sexual misconduct, you may file a report.

Deleted: Equity Office

Deleted: see [Report Form](#).

5.3 Student Advisor Options

Students have the right to have an individual present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. If a student would like an advisor but needs assistance in identifying an appropriate individual, the Dean of Students Office will identify a trained staff or faculty member to work with the student.

Deleted: Student Affairs and Enrollment Management

If a student chooses to have an attorney present as their hearing advisor, NDSU may request legal representation be present as well. In cases that do not involve potential for suspension or expulsion, the role of an attorney shall be to advise his or her client, not to participate in the hearing. Any advisor, attorney, or non-attorney advocate who does not respect this provision may be cautioned by the hearing officer and, if they persist, may be asked to leave and the hearing will proceed.

Deleted: his or her

In cases that could result in suspension or expulsion, attorneys or non-attorney advocates may fully participate, which means they may make opening and closing statements, examine and cross-examine witnesses present during the hearing, and provide the student with support, guidance, and advice throughout the process.

Deleted: ¶
Any advisor, attorney, or non-attorney advocate who does not respect this provision may be cautioned by the hearing officer and, if they persist, may be asked to leave and the hearing will proceed. ¶

In Title IX cases, all applicable regulations will be followed as outlined in 156.1.

Deleted: If an investigation is to take place

Deleted: , the

Deleted: s

Deleted: the

Deleted: the Vice Provost or designee to

Deleted: e

Deleted: Written findings of the investigation along with a recommendation for dismissal of the complaint or a recommendation of pursuing action under the Code will be produced by the investigator(s) and provided to the Student Affairs and Enrollment Management Office. If the report indicates reasonable cause to believe that a violation occurred, then the Vice Provost's designee may proceed with a Notice of Alleged Violations.

Deleted: Upon receipt of notice, the University may investigate an allegation of Code violation, and may also initiate an investigation at the request of any member of the NDSU community or affected party. Designated, trained University personnel are authorized to investigate alleged violations of the Code. ¶

Deleted: P

Deleted: procedures set forth in Sections 1 through 8.8 of [NDSU Policy 156](#).

5.4 Investigation

Investigations are initiated through complaints or concerns reported to the University.

Student(s) will receive notice from the office conducting an investigation. The purpose of the investigation is to gather the facts, details, and circumstances associated with a complaint or concern. The investigation may include interviewing witnesses, reviewing documents to be considered, or completing other steps that will assist in determining whether action under the Code is warranted.

All cases of discrimination, harassment, retaliation, and sexual misconduct involving a potential policy violation by a student shall be investigated by the Equity Office utilizing the appropriate policy. Designated, trained University personnel are authorized to investigate alleged violations of the Code. Any individual believed to have information relevant to an

investigation may also be contacted and requested to make an appointment to discuss the matter. Written findings of the investigation along with a recommendation for dismissal of the complaint or a recommendation of pursuing action under the Code will be produced by the investigator(s) and provided to the Dean of Students Office. If the report indicates reasonable cause to believe that a violation occurred, the the Vice Provost's designee may proceed with a Notice of Alleged Violations. The Final Investigative Report as set forth in NDSU Policy 156 shall constitute the Investigation Determination for purposes of Section 5.7 below. All information/evidence needs to be provided during the investigative phase in order to be considered for determining if a case will be dismissed or whether action will be pursued and in determining findings under the Code.

Moved (insertion) [1]

5.5 Interim or Remedial Measures

In the interest of safety and security, upon receipt of notice, interim or remedial measures may be implemented prior to a completed investigation or conduct hearing. Specific actions based on the circumstances of the allegations may be taken. Examples include no contact orders, housing/workplace changes, loss of privileges, and/or restricted access to campus.

Moved up [1]: All information/evidence needs to be provided during the investigative phase in order to be considered for determining if a case will be dismissed or whether action will be pursued and in determining findings under the Code.

Deleted: Any individual believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter.

Deleted: will be

Deleted: and

Deleted: ¶
¶

5.6 Right to Entry

University policy on the privacy of student rooms stipulates that entry and search of University residences by University officials will be permitted only in one or more of the following instances:

- The student consents to the search;
- University officials fear an imminent danger to health, safety, life, or property;
- The Vice Provost or designee provides a written administrative authorization specifying reasons for the search, objects of information sought, and area to be searched; or
- University officials fear imminent destruction of evidence relevant to a suspected violation of University policies.

Deleted: ¶

Deleted: responsible

When students are suspected of violating NDUS or NDSU Acceptable Use Policies, student computers, associated peripheral devices, and media storage devices may be taken into temporary custody on authority of the Information Technology Security staff to collect and preserve evidence of possible violations of local, state, or federal laws ([NDSU Policy 158, Acceptable Use of Electronic Communications Devices](#)). If additional questions remain, contact the [Information Technology Security Officer \(ITSO\)](#).

The University will not intervene between students and searches authorized under law by any law enforcement agencies. The University requires that University officials notify the Vice Provost and/or designee of searches when they become aware of searches by law enforcement.

The right to inspect residence hall rooms and university apartments without notice is

reserved by the University for purposes of maintenance, cleaning, fire, personal safety and administering provisions of the license agreements. The University will provide reasonable notice, when possible. Such entry by the University shall not be regarded as a search, but is separately agreed to and authorized by the student through provisions in the residence hall or university apartment license agreements. Items that pose an imminent danger to health, safety, life, or property may be taken into temporary custody by residence life staff, university police, or other emergency personnel.

5.7 Notice of Alleged Violations

A written notice will be sent via official University email, to the responding student to arrange a prehearing conference.

Deleted: authorized

The notice will include:

Deleted: 1

- Nature of the alleged violation;
- Date, time, and place of the alleged violation;
- Source of the information;
- Maximum sanction applicable if found in violation of the Code of Student Conduct;
- The student's right to be represented by an attorney or non-attorney advocate, at the student's expense, if suspension or expulsion are identified as potential sanctions; and
- Notice that a decision may be made in the student's absence based on the information currently available.

The student must be given notice in writing of a summary of the alleged violations and evidence to be presented in sufficient time to ensure an adequate opportunity to prepare for the hearing. The University will provide the student written notification of the hearing at least three business days prior to the hearing date. Students may consent to a shorter notice period, if they so choose.

5.8 Prehearing Conference

During the prehearing conference, the hearing officer will discuss the:

- Student's rights and responsibilities,
- Nature of the complaint and how the Code may have been violated, and
- Process for resolution of alleged violations.

Deleted: of Student Conduct

The student may request to proceed with an immediate hearing, except in cases that may result in suspension or expulsion.

5.9 Conduct Hearings

The Code resolution process will be facilitated through an administrative hearing to determine whether or not there has been a violation of University policy. Although all cases are heard administratively, some procedures differ between cases that are or are not eligible

Deleted: of Student Conduct

for suspension/expulsion. The University reserves the right to determine procedures and appropriate individuals to include in the process. In an administrative hearing, the responding student has a right to make a written and/or oral statement describing the event(s) that lead to the alleged violations, bring witnesses or witness statements, and present evidence.

In all cases involving an allegation of discrimination, harassment, retaliation, or sexual misconduct, both reporting and responding students shall have equal procedural rights.

Deleted: as detailed in [NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures](#).

University administrators will process conduct cases related to fraternities, sororities, and student organizations. Individual organizational boards will only address violations of organizational standards, not violations of this Code.

Non-Suspension/Expulsion Conduct Hearings

A non-suspension/expulsion conduct hearing is an administrative hearing that generally involves only the responding student and the hearing officer. The hearing officer is the individual appointed by the University to process an alleged violation of University policy. The hearing officer shall typically be a University employee; however, the University may, at its discretion, retain a non-employee to serve as a hearing officer at the University's expense. Following the hearing, all applicable parties will receive a written notice of decision within 10 business days.

Suspension/Expulsion Conduct Hearings

A suspension/expulsion conduct hearing is an administrative hearing that involves the responding student, hearing officer, and any other individual(s) appropriate to the process. The hearing officer is the individual appointed by the University to process an alleged violation of University policy. The hearing officer shall typically be a University employee; however, the University may, at its discretion, retain a non-employee to serve as a hearing officer at the University's expense.

The hearing will be recorded and retained as part of the student's conduct file. The reporting (if applicable) and responding parties may access the recording, including for the preparation of an appeal. Requests for access should be directed to the [Dean of Students Office](#). Following the hearing, all applicable parties will receive a written notice of decision within 10 business days.

Deleted: Student Affairs and Enrollment Management

5.10 Default Proceedings and Unresolved Alleged Code Violations

When a student/organization fails to appear for a hearing appointment without advance notice, or leaves the University with unresolved alleged violations, the hearing officer may make a decision in the student/organization's absence, providing the student/organization was issued adequate written notice of the date, time, and place of the scheduled hearing.

In certain cases, a registration hold may be placed on the student's records and the case will

be archived until such time the student requests reactivation or a resolution of the pending matter.

5.11 Student Organizations in Default

In the event a student organization becomes inactive rather than appearing for a hearing, the default decision will typically be withdrawal of recognition granted by the Congress of Student Organizations Commission. In addition, officers of the organization at the time of the incident may face conduct proceedings individually (see Section 3.20, Failure to Comply) and may also be noticed with one or more of the original alleged violations of the Code arising from the alleged misconduct by the organization.

If the organization requests reactivation at a later date, the Vice Provost or designee will assign a hearing officer to meet with the student organization leadership to determine responsibility for the alleged violations, determine or recommend the appropriate sanction, and if that sanction is less than suspension or expulsion, will assess the need for any remedial measures.

5.12 Conflicts of Interest

Any hearing officer who has a conflicting interest in the particular case may not participate. Any party has the right to challenge the appointment of a hearing officer. Challenges must be submitted in writing to the Vice Provost or designee at least three business days prior to the hearing. If a party fails to raise an actual or reasonably perceived conflict by objecting three business days in advance, any objection is deemed to be waived. A hearing officer may not be disqualified solely based on his or her position in the University community.

5.13 Standard of Proof

The standard of proof is a “preponderance of the evidence” which means **that it is more likely than not** that a violation did occur. A student is found to have violated this Code when:

- The student admits to the violation, or
- Preponderance of the evidence indicates the student is in violation of the Code.

5.14 Witnesses/Witness Statements

Prior to the hearing, names of witnesses being called to the hearing must be submitted to the **hearing officer or Dean of Students Office** by a deadline set during the prehearing conference. All parties will be given reasonable opportunity to present witnesses and/or witness statements and will be allowed to address questions to any witnesses participating in the hearing. All questions will be addressed through the hearing officer; however, the hearing officer may allow for direct questioning of non-party witnesses. Witnesses will be given reasonable latitude to respond fully to questions and will only remain for the duration of their own testimonies.

Deleted: W

Deleted: the greater weight of the evidence indicates

Deleted: Student Affairs and Enrollment Management Office...

Character witnesses are not permitted. The hearing officer will exclude any information from the hearing documentation that appears to be a character statement rather than facts or evidence related to the case.

5.15 Evidence

In cases that involve an investigation, all evidence is to be provided during the investigation. All parties will be given reasonable opportunity to present any written or oral information, documentation, or other evidence that is relevant in determining responsibility.

Due to the hearing being an educational process, formal rules of evidence do not apply. For this reason, hearsay evidence may be permitted. Hearsay evidence refers to testimony given by a witness who speaks about information received from others, rather than information given directly by that witness. The value of such evidence is left to the discretion of each hearing officer.

5.16 Self Incrimination

Parties shall not be compelled to incriminate themselves by being obligated to testify that they engaged in conduct constituting a violation of this Code and/or local, state, or federal law.

5.17 Closed Hearings

All hearings are generally closed except to those who are part of the proceedings. The Vice Provost or designee may permit a limited number of NDSU personnel to be present as observers for the purpose of training. Other exceptions may also be made as deemed appropriate by the Vice Provost or designee.

5.18 Appeals

Students sanctioned for violations of any part of this Code or relevant University policies may appeal. Reporting (if applicable) and responding students are limited to one appeal and that decision is final, as indicated in Section 8. Appeal Procedures.

Deleted: of Student Conduct

Deleted: (see

Deleted:)

6. Hearing Procedures for Suspension or Expulsion Cases

6.1 Introduction

With all parties present, the hearing officer will call the meeting to order and ask all parties participating in the hearing to introduce themselves and identify their role in the proceedings. The hearing officer will describe the general outline of the hearing and read the following honesty statement:

Honesty Statement

The University expects that all information presented in this hearing will be true and correct to the best of each participant's knowledge. If students willfully provide false information, they will be in violation of NDSU's Code of Student Conduct. As a result, they may also be

subject to additional disciplinary action. Dishonest behavior by any faculty or staff members will be reported to supervisors for any necessary disciplinary action.

If a student is represented by an attorney or non-attorney advocate, the representative has the ability to fully participate in the hearing as indicated in section 5.3 Student Advisor Options. ▼

The hearing officer will dismiss witnesses until they are called to speak.

Deleted: Hearing advisors, attorneys, and/or non-attorney advocates will be required to sign a confidentiality statement pertaining to information about all parties involved in the hearing.

6.2 Case Presentation and Response

The hearing officer or designee will outline the process for presentation of the case. The responding and/or reporting parties will be permitted to respond to the alleged violations and present information that is relevant in determining whether the student violated one or more sections of the Code. The hearing officer is responsible for determining relevancy.

6.3 Questioning of Witnesses and Parties

All parties will be allowed to present witnesses who may be asked questions by any of the other parties. All questions will be directed to the hearing officer who will determine reasonableness and relevancy to the hearing. The hearing officer will seek clarification if necessary and request a response. As appropriate, the hearing officer may allow direct questioning of witnesses and parties, with the right to rescind the permission at any time.

6.4 Closing Statements

The reporting and/or responding parties (and investigator if applicable) will have an opportunity to make a closing statement.

6.5 Notice of Decision

The hearing officer will provide written notice of decision to the responding student (and reporting party if applicable). The written notice will include the findings, rationale, sanctions, and conditions for continued enrollment or re-enrollment, if any. The notice will generally be provided within 10 business days following the hearing. The Vice Provost may grant time extensions, if necessary.

7. Sanctions and Conditions

A sanction is a consequence placed upon any student for violations of the Code. Sanctions help define the student's relationship with the University Conditions are assigned actions that may repair damage, encourage reflection and learning, and/or assist the student in meeting the University's expectations.

Deleted: specified University policies

Deleted: in the context of current and potential future conduct, including a notice that further violations may lead to more severe conduct sanctions.

▼ If a student is found responsible for one or more alleged Code violations, a sanction may be imposed. In rare cases, a finding of responsibility may result in no sanctions imposed. ▼ The sanctions listed below are assigned based on the severity of the incident and/or past conduct history ▼

Deleted: If a student is found not responsible for the alleged Code violation(s), no disciplinary action will be taken against the responding student.

Deleted: Sanctions may not include suspension or expulsion unless the student receives prior written notice that the case was serious enough to warrant suspension or expulsion.

Deleted: :

Sanctions of suspension are noted in the student's transcript throughout the duration of the suspension period, while sanctions of expulsion remain permanently.

Deleted: <#>Written warning;
Conduct probation;
Supervised conduct probation;
Conduct suspension, or
Conduct expulsion.

Deleted: The hearing officer will issue the written decision within 10 business days from the date of hearing.

Deleted: When certain mitigating circumstances exist, such as an extended period of time between the incident and reenrollment, a finding of responsibility may result in no sanctions imposed.

With each sanction, conditions may also be assigned. In addition, notification may be given to other University officials as necessary. Examples of conditions are listed below.

Deleted: Conditions include:

In assigning a sanction and/or conditions, the hearing officer, will consider factors, including:

Deleted: <#>Alcohol or other drug programming, evaluation, and/or testing;
Written assignments;
Participation in a specific activity or project;
Restricted access;
Loss of privileges;
No contact orders; and/or
Restitution.

Deleted: for inappropriate student conduct

Deleted: in consultation with the Vice Provost designee

Deleted: as presented from all relevant sources, including the parties

Deleted: committed by the responding student

- Facts of the case;
- Existence of any physical evidence or written or oral information provided by the parties;
- Type and severity of the offense;
- Impact on the reporting party (if applicable), the educational community, and its members;
- Previous incidents of prohibited conduct; and
- The ability and/or willingness of the responding student to accept responsibility.

Any Code violation that is identified as motivated by bias or resulting in a negative impact on a protected class may result in enhanced sanctions and/or conditions above those typically assigned for the same violations when not motivated by bias. See [NDSU Policy 100, Equal Opportunity and Non-Discrimination Policy](#).

Deleted: determined to have been

Deleted: based on

Deleted: ¶

Deleted: . In cases involving bias, decisions about appropriate sanctions and conditions will be made in consultation with...

Repeated violations of this Code are relevant in determining a student's continued membership in the University community. Progressively more severe sanctions, including suspension or expulsion from the University, may be assigned, depending on the nature and/or persistence of the violation(s).

Legal guardians of students under 21 may be contacted by an NDSU administrator following alcohol and/or other drug related incidents.

Deleted: Parents or

7.1 Sanctions

Warning

A warning is written notification that a Code violation has occurred.

Deleted: Written

Deleted: subsequent

Deleted: s

Deleted: will typically result in more severe sanctions.

Conduct Probation

Conduct probation is written notification that a student is not in good conduct standing for a specified period of time. The specific conditions of the probation will be determined on a case-by-case basis.

Deleted: of

Deleted: of review and observation during which the student must demonstrate the ability to comply with University policies; local, state, and federal laws; and any other conditions that have been assigned in writing.

Deleted: terms

Supervised Conduct Probation

Deleted: Further Code violations may result in additional sanctions, including suspension or expulsion.

Supervised conduct probation is written notification **that a student is not in good conduct standing for a** specified period of **time and** requires meetings with a designated NDSU employee to monitor progress in behavioral, academic, social, vocational, and other areas of the student's life. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. ▼

Deleted: of

Deleted: review and observation during which the student must demonstrate the ability to comply with University policies and local, state, and federal laws. Supervised conduct probation

Deleted: Further Code violations may result in additional sanctions, including suspension or expulsion.

Conduct Suspension

Conduct suspension is written notification that **the** status as an enrolled student or registered student organization has been terminated. This **suspension** is for a specified period of time not to exceed two academic years. In cases of crimes of violence, hate crimes, and/or Title IX related violations, the Vice Provost may specify a longer period of suspension.

Deleted: termination

- A student may not re-enroll at NDSU during the period of conduct suspension.
- The student's eligibility for any refund of tuition/fees will be subject to the University's normal withdrawal policy.
- The notice of conduct suspension will include the conditions for readmission that must be met prior to application for readmission. Students may obtain information regarding reactivation from Registration and Records or online through [One Stop](#). A meeting with a member of the **Dean of Students** staff may be required prior to acceptance of the student's application for readmission.
- The student's transcript will carry a notation "may not register for nonacademic reasons <effective date range>" without further explanation. Upon completion of the suspension, the notation will be removed by the University.
- A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the conduct suspension.
- In addition to being ineligible for enrollment, a student is also ineligible for employment with NDSU.
- A student who has been suspended is restricted from the NDSU campus during the specified period of suspension. The student will also be required to obtain prior written permission from the Vice Provost or designee, before being on any portion of the NDSU campus during the period of suspension. Approval is generally granted only to permit a student to conduct business related to the University.
- Conduct suspension is a permanent conduct record, which means it may be retained indefinitely at the discretion of the Vice Provost, but not less than seven (7) years.
- Student organizations placed on suspension may have all rights and privileges provided by CSO revoked for the duration of their suspension. In order to regain all rights and privileges, the student organization is required to comply with and complete any and all sanctions and conditions.

Deleted: Student Affairs and Enrollment Management

Conduct Expulsion

Expulsion is written notification that **a** student is permanently ineligible to return to the University. The expulsion will be recorded on the student's transcript as "may not register for

Deleted: the

nonacademic reasons” and is a permanent record.

Conduct expulsion is a permanent conduct record, which means it will be retained indefinitely at the discretion of the Vice Provost, but not less than seven (7) years.

A student who has been expelled is restricted from the NDSU campus indefinitely. Written requests for exceptions to this restriction may be directed to the Vice Provost or designee; however, approval is generally only granted for the purpose of conducting official University business. Requests for readmission will not be approved.

7.2 Conditions

Written Assignments

Students may be required to complete written assignments as a means of reflecting and/or learning more about a particular topic.

Participation in a Specific Activity or Project

A student may be required to participate in a specific activity or project, such as public service, an educational class, meeting with a designated University official, and/or other assignment.

Loss of Privileges

A student may be denied various privileges associated with being a student at NDSU. Such privileges may include residing in, visiting, or accessing University property and facilities and participating in University events and/or student organizations.

No Contact Order

Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include any and all forms of communication, access to University owned or controlled locations, and specified minimum distances.

Restitution

A student may be required to repair, pay the cost for repair, or pay for cost of replacement of any university or state property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer, taking into consideration the fair market value or cost to repair the damaged item(s).

Alcohol / Drug Evaluation and/or Testing

The University reserves the right to require alcohol/drug evaluation and/or testing as a condition of enrollment or continued enrollment when:

Deleted: 1

- A student's conduct endangers or may endanger the safety of themselves, others, or property, and/or
- A pattern of misconduct has been demonstrated by a student.

8. Appeal Procedures

Students sanctioned for violations of this Code may make one appeal. Cases resulting in suspension or expulsion are appealed to the Vice Provost or designee. All other appeals are addressed to the Vice Provost or designee, or an administrator of Residence Life, depending upon who served as the hearing officer.

In all cases involving an allegation of discrimination, harassment, retaliation, or sexual misconduct, the reporting party is also allowed to file an appeal within the same parameters identified in 8.2. In these cases, an appeal could result in a different decision regarding the finding of responsible or not responsible and/or stronger, the same, or lesser sanctions than originally imposed.

8.1 Deadline for Appeals

An appeal of any conduct process decision must be made in writing within five business days following the date the sanction notice is provided to the student. In extraordinary circumstances, the Vice Provost may grant time extensions **or reductions**. The appeal must be written by the student and shall contain the student's name, date of the decision or action, and reason(s) for the appeal.

Deleted: The University reserves the right, however, to reduce the time allowed for a student appeal in cases that may have the potential to result in harm to an individual and/or property. The reduced time for appeal will be specified in the decision letter along with the rationale for allowing reduced time for an appeal.

8.2 Appeal Documentation

Appeals must be submitted to the appeal officer specified in the decision letter using the designated [appeal form](#). The documentation must specify in detail one or more of the following bases of appeal:

- The severity of the sanction was not consistent with the severity of the offense,
- The **determination of the hearing officer** was not substantiated by the evidence, and/or
- The student's due process rights as outlined in this Code were violated, which materially or substantially impacted the decision. Those rights believed to be violated must be specified.

Deleted: finding

Deleted: of the Code having been violated or not

A copy of an appeal will be given to the other party who will have the opportunity to respond. Students will have no more than five business days to submit their response to the other party's appeal; however, the response cannot include an appeal if the time period for appeal has already expired. In cases that only involve a responding student, the appeal officer may not increase the sanctions/actions imposed by the hearing officer.

8.3 Emergency Provisions

If an appeal is filed, the sanctions do not go into effect until the completion of the appeal

~~process.~~ Some emergency provisions may be maintained throughout the appeal to protect an individual and/or property.

Deleted: Normally a properly filed notice of appeal suspends the imposition of sanctions until the appeal is decided; however,

Deleted: s

8.4 Review

The appeal officer will review ~~all documentation related to the hearing.~~ the written appeal documentation/response to appeal from the student and materials from the original hearing, including the recording. In reviewing the appropriateness of sanctions, the student's entire conduct file may be considered.

Deleted: Such provisions will be explained in the original letter to the student outlining the decision, along with the rationale for maintaining those emergency provisions throughout the appeal.

Deleted: (s)

8.5 Appeal Advisory Board

The ~~Vice Provost or designee~~ reserves the right to appoint an appeal advisory board to review appeals. In such instances, the appointed advisory board will make a recommendation that the appeal officer may accept or reject. The decision of the appeal officer will generally be issued within 10 business days of receiving the recommendation from the advisory board and that decision will be final.

Deleted: appeal officer

8.6 Appeal Decision

After reviewing appeal materials, the appeal officer may decide to do one of the following:

Deleted: /Sanction

- Uphold the decision,
- Remand the case back to the original hearing officer,
- Adjust the sanction/~~condition~~, or
- Assign a new hearing officer ~~to rehear the case~~,

Deleted: .

Deleted: .

The decision on the appeal will generally be made within 10 business days of receipt of the appeal, but may take longer during University recesses or in the event of complex cases.

9. Special Circumstances and Conditions

9.1 Registration/Graduation Hold

If a student (new, current, or returning) fails to respond to a request to meet to discuss an alleged violation of this Code, or fails to comply with sanctions and conditions assigned as a result of being found responsible for a violation of this Code, a hold may be placed on the student's eligibility to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the University's withdrawal policy.

~~If a student withdraws from,~~ NDSU ~~while disciplinary action is pending,~~ the student's educational records may be placed on hold and the allegations must be resolved prior to the student's readmission.

Deleted: Students may not be permitted to graduate or officially withdraw from NDSU while disciplinary action is pending.

Deleted: the

Deleted: before

Deleted: becomes aware of the potential violation of this Code...

9.2 Returning and/or New Students

If a student, during a period of non-enrollment, commits an act that violates this Code, a registration hold may be placed to prevent the student's registration until a hearing may be held on that matter. The student may be notified about the hold at the time the University is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. In addition, a hearing officer, in consultation with the Vice Provost or designee, may place a registration hold to deny a student the eligibility to register. Reasons may include the student's arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the student or others in the University community, and/or as otherwise provided by [NDSU Policy 607, Admission & Re-Enrollment Safety Risks; Background Checks](#).

9.3 Rehearing Requests for Cases Resulting in Suspension or Expulsion

Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contradictory evidence that was not available at the time of the original hearing, and/or evidence that the student was not afforded due process as outlined in this Code. A request for reconsideration of the case should be submitted to the Vice Provost. Information that may be considered may include police reports, transcripts of legal proceedings, and the outcome of any civil or criminal proceeding directly related to the appeal.

9.4 Temporary Emergency Suspension

A student may be temporarily suspended by the Vice Provost, pending a hearing, when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of an individual or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five business days following the suspension. In unique circumstances, any alteration to this timeline will be at the discretion of the Vice Provost. If the suspension is upheld, the suspension remains subject to the rules outlined in Conduct Suspension (see Section 7.1 Sanctions) and remains a matter of permanent conduct record.

9.5 Administrative Withdrawal

A student may be subject to administrative withdrawal if it is determined by compelling evidence that the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property.

Students wishing to return to the University may obtain information regarding reactivation from Registration and Records or online through [One Stop](#). A meeting with a member of the [Dean of Students](#) staff also will be required prior to acceptance of the student's application for readmission.

Deleted: Student Affairs

9.6 Negotiated Withdrawal

In rare circumstances, a student may be allowed to negotiate a mutually agreed upon

withdrawal for a specified period of time. Other conditions may also need to be met prior to application for reenrollment. Such conditions will be provided to the student in writing at the time of the negotiated withdrawal.

A student requesting readmission will be required to meet with the Vice Provost or designee prior to approval of the student's petition for readmission. The student must be academically eligible for readmission to NDSU and may be required to pass a criminal background check at the student's expense prior to readmission.

9.7 Crimes of Violence

The term "crime of violence" means:

- An offense that has an element of use, attempted use, or threatened use of physical violence against an individual or property of another; or
- Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against an individual or property of another may be used in the course of committing the offense.

Examples include arson, auto theft, assault, aggravated assault, burglary, kidnapping/abduction, manslaughter, murder, resisting arrest through the use or threat of physical force, robbery, vandalism, and sexual offenses.

Individuals who are victims of crimes of violence have a right to be notified of the outcome of complaint resolution procedures, upon written request to the Vice Provost. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Notification shall be limited to the responsible student(s), part(s) of the Code violated, and assigned sanction(s). Individuals in receipt of this information may assume personal civil liability for releasing this information to others.

Deleted: In cases of crimes of violence, the Vice Provost may increase, but not decrease, timelines stated in the Code and may determine by whom the case is heard.

10. Conduct Records

10.1 Disclosure

All conduct records are confidential and may not be disclosed in whole or in part except as provided under law, including the Family Education Rights and Privacy Act (FERPA), the USA Patriot Act, and lawful court orders.

The conduct record shall be separate from the student's academic record, but shall be considered a part of the student's educational record. All conduct records shall be retained in the **Dean of Students** Office or other offices as authorized by the Vice Provost.

Deleted: Student Affairs and Enrollment Management

As provided under FERPA, information concerning Code violations for alcohol and/or drugs may be shared with legal guardians. In addition, Code actions may also be shared with some academic departments and Athletics as necessary to fulfill their professional obligations.

Deleted: parents

Deleted: violations

Deleted: upon request and

Deleted: A procedure exists between Student Affairs and Enrollment Management and Athletics that provides for full exchange of information concerning Code violations by student athletes with the pertinent athletic personnel and the Athletic Director.

10.2 Retention and Destruction

In cases in which a student is found not responsible, all records related to that student’s cumulative conduct history will be retained for seven years from the date of the incident.

Sanctions Less than Suspension or Expulsion

In cases in which a student is found in violation and receives a sanction less than suspension or expulsion, with or without additional conditions, all records related to that student’s cumulative conduct history will be retained for seven years from the date of the student’s last conduct violation. Student conduct records may be retained indefinitely at the discretion of the Vice Provost.

Suspension or Expulsion

In cases in which a student is found in violation and receives a sanction of suspension, conduct records may be retained indefinitely at the discretion of the Vice Provost, but not less than seven years. In cases in which a student is found in violation and receives a sanction of expulsion, conduct records will be retained on a permanent basis.

Student Organization Records

Records of conduct violations involving student organizations will be retained for seven years following the date of the incident. Student organization conduct records may be retained indefinitely at the discretion of the Vice Provost.

Deleted: FINAL NOTE:

¶ There are a number of additional University policies that pertain to students and are too numerous to include within the text of this Code. Students are urged to read these documents that may be found at the locations listed below. NDSU students are responsible for knowing the contents of all NDSU policies and may be held accountable under A Code of Student Conduct for any violations of policy.¶

Deleted: Related University Policy Statements¶

¶ [Bank and Investment Accounts for Student Organization Bank Accounts](#)¶
[Federally Mandated Sexual Assault Prevention Training License Agreement for Residence Halls](#)¶
[License Agreement for University Apartments](#)¶
[NDSU Policy 154.1, Sale or Distribution of Racially and Sexually Offensive Material](#)¶
[NDSU Policy 155 Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees](#)¶
→ [NDSU Policy 162.1, Consensual Relationships](#) → ¶
→ [NDSU Policy 703, NDSU Card Terms and Conditions](#) ¶
[NDSU Policy 513, NDSU Collection Policy](#)¶
→ [SBHE Policy 401.2, Political Activities](#) [SBHE Policy 506.1 Immunization](#) → ¶
→ [Student Organization Guidelines and Procedures](#)¶

HISTORY:

New	
Amended	September 27, 1999
Amended	May 31, 2011
Amended	August 23, 2014
Amended	September 18, 2015
Housekeeping	October 6, 2015
Housekeeping	June 23, 2017
Amended	August 22, 2017
Amended	November 25, 2019
Amended	August 14, 2020
Amended	December 14, 2020

VII. Consent Agenda

5. Confirmation of FS Standing Committees

Academic Integrity

Cheryl Wachenheim AFSNR
Elizabeth Crawford Jackson, AHSS
Jin Li, BUSN
Kenneth Magel, ENGR
Estelle Leclerc, HP
Jim Korcuska, HSE
Dogan Comez, SM

Assessment

Jill Motschenbacher, AFSNR
Jessica Jensen, AHSS (Chair)
David Hong, BUSN
Mijia Yang, ENGR
Rebecca Brynjulson, HP
Laura Dahl, HSE
Lisa Montplaisir, SM
Joe Mike Jones, GIS
Emily Berg, Office of Institutional Research and Analysis representative
Jeff Boyer, Office of the Provost
General Education Committee Representative
Student Government Representatives (one graduate and one undergraduate)
Student Affairs and Enrollment Management representative

Athletics

Travis Hoffman, AFSNR
Emily Wicktor, AHSS (Vice Chair)
Charles Stevens, BUSN
Ying Huang, ENGR
Natasha Petry, HP
Joe Deutsch, HSE
James Nyachwaya, SM
Stephanie Day, SM

Budget Committee

Thomas Peters, AFSNR
Adam Goldwyn, AHSS
Michael Peterson, BUSN (Chair)
Jacob Glower, ENGR
Florin Salajan, Faculty Senate President
Fariz Huseynov, GIS
Stefan Vetter, HP
Shannon David, HSE
Wenfang Sun, SM
Margaret Fitzgerald, Provost, ex-officio
Bruce Bollinger, Vice President for Finance and Administration, ex-officio

Campus Space & Facilities

Alan Zuk, AFSNR
Anthony Flood, AHSS
Michelle Hong, BUSN
Ravi Yellavajjala, ENGR
Stefan Vetter, HP
Mary Douglas, HSE
Indranil SenGupta, SM

Conflict of Interest Advisory

Jessica Striker, SM

Council of College Faculties

Svetlana Kilina, SM
Tom Peters, AFSNR

Alternate(s):
Gerald Stokka, AFSNR

Curriculum

Adam Marx, HSE (Chair)
Deying Li, AFSNR
Verena Theile, AHSS
Michael Petersen, BUSN

Kelly Rusch, ENGR
Chengwen Sun, HP
Pinjing Zhao, SM
Derek Lehmberg, GIS
Sri Lalitha, Student Government, graduate
Morgan Hovde, Student Government, undergraduate
Matthew Warner, Student Government
Beth Twomey, Libraries, ex-officio
Jeff Boyer, Provost's Office, ex-officio
Kimberly Miller, Registration & Records, ex-officio
Philip Hunt, Registrar, ex-officio

Alternates:

Jack Norland, AFSNR
Jeanne Hageman, AHSS
Rajani Ganesh-Pillai, BUSN
Kenneth Magel, ENGR
Kelly Buettner-Schmidt, HP
Susan Ray-Degges, HSE
Indranil SenGupta and Svetlana Kilina, SM
Svetlana Kilina, SM

Equity, Diversity & Inclusion

Zubair Malik, ENG
Lisa Arnold, CSWF
Tracy Barrett, AHSS
Mary Larson, HP
Hollie Mackey, HSE (Chair)
Diomo Motuba, BUS
Indranil SenGupta, CSM
Lei Zhang, AFSNR
Canan Bilen-Green, Vice Provost, Faculty Affairs & Equity

Executive

Florin Salajan, Faculty Senate President
Dennis Cooley, Faculty Senate Past President
Anastasiya Andrianova, Faculty Senate President-Elect
Ryan Limb, AFSNR

Pamela Emanuelson, AHSS
Onnolee Nordstrom, BUSN
Eric Asa, ENGR
Andrea Huseh-Zosel, HP
Ryan McGrath, HSE
Warren Christensen, SM
Margaret Fitzgerald, Provost, ex-officio
Vacant, Graduate and Interdisciplinary Studies, ex-officio
Dan Friesner, Commission on the Status of Women Faculty, ex-officio
Ali Amiri, Parliamentarian, ex-officio

Faculty Affairs

Glenn Dorsam, AFSNR
Jessica Jensen, AHSS
Jeff Chen, BUSN
Lisa Arnold, CSWF
Jordi Estevadeordal, ENGR
Mark Strand, HP
Sara Crary, HSE
Jeff Johnson, SM (Chair)

General Education

Jack Norland, AFSNR
Holly Hassel, AHSS (Chair)
Onnolee Nordstrom, BUSN
Pratap Kotala, ENGR
Karla Haug, HP
Nicklaus Redenius, HSE
Clayton Hilmert, SM
Jeff Boyer, Director of Assessment & Accreditation
RaNelle Ingalls, Registrar's Office representative
Hallie Pritchett, Dean of Libraries
Emily Berg, Office of Institutional Research & Analysis representative

Grade Appeals Board

Canan Bilen-Green, Vice Provost for Faculty and Equity (Chair)
Zhulu Lin, AFSNR

Jeanne Hageman, AHSS
Nancy Emerson, BUSN
Jacob Glower, ENGR
Mykell Barnacle, HP
Jaeha Lee, HSE
Pinjing Zhao, SM
Penelope Gibbs, GIS
John P. Morrison, Student Government
Arin Tamimi, Student Government
Clara Counts, Student Government

Alternates:

David Englund, AFSNR
Carol Archbold, AHSS
Rachel Thompson, BUSN
G. H. Nazari, ENGR
Heather Fuller, HSE
Anne Eliason, HP
Clayton Hilmert, SM
Vacant, GIS

Library

Bob Hearne, AFSNR
Andrew Stark, AHSS (Chair)
Charles Stevens, BUSN
Danling Wang, ENGR
Estelle Leclerc, HP
James Nyachwaya, HSE
Bakhtiyor Rasulev, SM
Hallie Pritchett, Dean of Libraries

Program Review

Jessica Jensen, AHSS
Limin Zhang, BUSN
Mijia Yang, ENGR
Loretta Heuer, HP
Jodi Tangen, HSE

Andrew Croll, SM (Chair)
Jeff Boyer, Provost's Office

Alternates:

Saleem Shaik, AFSNR
Amy Stichman, AHSS
Joe Mike Jones, BUSN
Jacob Glower, ENGR
Kelly Buettner-Schmidt, HP
Jodi Tangen, HSE
Nikita Barabanov, SM

Research & Consulting

Julie Pasche, AFSNR
Nicholas Bauroth, AHSS
Jeffrey Chen, BUSN
Ghodrat Karami, ENGR
Sanku Malik, HP
Kyle Hackney, HSE
Kendra Greenlee, SM

Technology and Instructional Services

Anupa Sharma, AFSNR
Melissa Vosen Callens, AHSS
Supavich (Fone) Pengnate, BUSN
Ivan Lima, ENGR (Chair)
Stefanie Meyer, HP
Carrie Johnson, HSE
Matthew Smith, SM

VIII. Planning and Prioritizing Senate Action for the Year

1. Budget reductions and strategic planning

Work through the Faculty Senate Budget Committee in collaboration with upper administration to determine the optimal approaches to budget reductions and planning for the academic year (i.e., weigh the value of strategic versus across-the-board cuts).

VIII. Planning and Prioritizing Senate Action for the Year

2. Equity, diversity and inclusion

Work through the Faculty Senate's Equity, Diversity and Inclusion Committee to examine and propose avenues to create pathways for student recruitment from ND tribal colleges. Develop practical recommendations for increasing recruitment of BIPOC faculty members to NDSU. Identify actionable items from the Provost's Crisis Task Force report the committee could prioritize in its work for the year. What other avenues for mobilizing action in EDI yielding concrete results should be considered?

VIII. Planning and Prioritizing Senate Action for the Year

3. Internationalization and global engagement

Task the newly-formed Faculty Senate ad hoc committee on internationalization and global engagement with developing a strategic plan for internationalization at NDSU, including teaching, research and service (committee was approved by the FS last year; process of appointing committee members yet to be completed).

VIII. Planning and Prioritizing Senate Action for the Year

4. Shared governance framework development

Continue the work started by the Faculty Senate ad hoc committee on shared governance during the 2020-2021 academic year to develop a framework for shared governance at NDSU. Requires the collaboration and involvement of Upper Administration, Staff Senate and Student Government.

VIII. Planning and Prioritizing Senate Action for the Year

5. Innovations to attract, enroll and retain more students

What efforts and strategies could/should the Senate consider to increasing student enrollments and retention? Could this priority be aligned with and charge the committees in points #3 and #4 above? Should the Senate designate a liaison to the newly-formed retention committee at university level?

X. General Order

1. Proposed amendments to the Faculty Senate Bylaws (Article V, Section 6; Article II, Section 9)

This item includes proposed limited revisions to Article V, Section 6 concerning the University Assessment Joint Standing Committee. These were not included in the previous round of revisions and, therefore, require a new motion to be considered for adoption. At its September 13, 2021 meeting, the Faculty Senate will voted to consider these proposed revisions at its next regularly scheduled meeting on October 11, 2021.

Article V: Joint Standing Committees

Section 6. University Assessment **and Accreditation**

1. Voting membership (~~seventeen~~ **fifteen** members):
 - a. One faculty member from each representation unit.
 - ~~b. One representative from the General Education Committee.~~
 - c. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.
 - d. **Faculty member appointed by the** Provost (or **Provost designee**).
 - e. Two **graduate** students (~~one undergraduate and one graduate~~), appointed by Student Government **based on student preparation through assessment-related education, training, and/or experience.**
 - ~~f. One representative from the Division of Student Affairs and Enrollment Management.~~
 - g. ~~One representative from the NDSU Extension Service.~~
 - h. One representative from the Office of Institutional, Research and Analysis.
 - i. One representative from **the Office of Teaching and Learning** ~~Distance and Continuing Education.~~
 - j. **Associate Dean of Libraries for Research and Learning.**
 - k. Director of the Office of **Accreditation** ~~Assessment~~ and **Assessment Accreditation.**
2. Non-voting membership:
 - a. There are no non-voting members for this committee.

3. Terms and limits:

- a. No term or limit on consecutive terms has been designated.

4. Committee responsibilities:

- a. Periodic review of the assessment of student learning in undergraduate and graduate academic programs, ~~within the units in the Division of Student Affairs and Enrollment Management and in the NDSU Extension Service.~~
- b. Develop procedures for annual reporting of assessment activities by departments and other academic units, ~~units in the Division of Student Affairs and Enrollment Management, and the NDSU Extension Service on their assessment activities.~~
- c. Provide feedback and guidance to departments and other academic units on their assessment activities, **working in conjunction with the Director of Assessment and Accreditation.**
- d. Provide a yearly summary of assessment activities to the **Faculty Senate**, and the Provost, ~~the Vice President for Agriculture and University Extension, and the Director of the NDSU Extension Service.~~
- e. **Develop an action plan for the upcoming academic year based on review of unit feedback about the assessment process and patterns of strengths and weaknesses in reports. Develop and maintain a University Assessment Plan in collaboration with the Director of Assessment.**

5. Member responsibilities

a. All members:

- i. Complete NDSU's baseline training regarding NDSU assessment processes prior to beginning service on UAC.
- ii. Undertake ongoing professional development related to program assessment and related topics based on guidance from the Director of Assessment and Accreditation.
- iii. Participate in providing assessment support to campus based on availability and comfort with form of support (e.g., referrals, workshop, webinar, coaching).

b. Academic unit representatives:

- i. Participate in annual review of program assessment reports.
- ii. Pursue opportunities to provide updates on assessment activities, timelines, and results at College meetings.

Addendum

At the its regular meeting on September 13, 2021, the Faculty Senate agreed to include an additional proposed revision to Article II, Section 9 (see FS meeting minutes), as indicated below. This is intended to be a service role for a faculty member, appointed in a similar fashion to the Parliamentarian (see Article III, Section 13).

Section 9.

~~The administrative role of Secretary shall be appointed by Office of the Provost;~~
The Senate will confirm the appointment of a person not on the Senate to serve as Secretary; the Secretary is not a voting member of the Senate. The duties of the Secretary shall include:

1. Acquire the agenda and related attachments, if any, from the President, then prepare and disseminate the agenda in accordance with Article II, Section 13.
2. Maintain a current roster of Senators and record attendance to confirm a quorum.
3. Collect and read the member substitution authorizations at the meeting.
4. Record and prepare meeting minutes.
5. Disseminate meeting minutes according to Article II, Section 16.
6. Schedule a room for all Senate meetings.
7. Maintain a permanent record of Senate minutes.
8. Maintain a permanent record of annual reports submitted by the President and Chairs of Senate committees.
9. Maintain records of standing committee membership.
10. Prepare updated versions of the Constitution for distribution.
11. Archive all past versions of Constitutions and Bylaws.
12. Verify the eligibility of Senators and committee members.
13. ~~Perform other appropriate tasks as assigned by the President in consultation with Office of the Provost.~~

XI. New Business

1. Proposed amendment to the Faculty Senate Bylaws (Article II, Section 6)

This item includes a proposed limited revision to Article II, Section 6 concerning the duties and responsibilities of the Faculty Senate President. One of the unwritten/unspoken expectations for the FS President is to lead the stage party during Commencements. Since this is a formal expectation, it needs to be spelled out in the FS Bylaws (see the inserted text in green as a proposed description of this duty).

Article II: Organization and Faculty Senate Operation

Section 6. Duties of the President shall include the following:

1. Preside at all meetings of the Senate.
2. Set the agenda of the Senate in consultation with the Senate Executive Committee.
3. Serve on the Senate Coordinating Council.
4. Chair the Senate Executive Committee.
5. Introduce the President at the State of the University Address.
6. Appoint committee members, as outlined in Articles IV and V.
7. Coordinate the dissemination of information relating to Senate activities.
8. Represent the Senate on administrative councils.
9. **Lead the stage party during Commencements.**
10. Provide the Secretary and the incoming President with an annual report summarizing the Senate activities for the preceding year.
11. Moderate the official faculty listserv.