

**Meeting Agenda**  
September 11, 2023

- I. Call to Order.
- II. Attendance.
- III. Adoption of the Agenda.
- IV. Approval of Meeting Minutes from May 8, 2023.
- V. Announcements.
  1. David Cook, President
  2. David Bertolini, Provost
  3. Warren Christensen, Faculty Senate President
  4. Anastassiya Andrianova, Faculty Senate Past-President
  5. Jeremy Jackson, Faculty Senate President-Elect
  6. Kristi Steinmann, Staff Senate President
  7. Kaylee Wiegel, Student Body President
  8. Phil Hunt, Registrar
- VI. Committee and Other Reports.
- VII. Consent Agenda.
  1. UCC Report
  2. Policy 304 - ACADEMIC STAFF AND EXECUTIVE/ADMINISTRATIVE POSITIONS - PROCEDURES FOR FILLING
  3. Policy 152.2 - MEMBERSHIP IN PROFESSIONAL AND SERVICE ORGANIZATIONS
  4. Policy 601 - RIGHTS AND RESPONSIBILITIES OF COMMUNITY: A CODE OF STUDENT CONDUCT
  5. Policy 128 - TIMEKEEPING FOR HOURLY EMPLOYEES
  6. Policy 130 - ANNUAL LEAVE
  7. Policy 326 - ACADEMIC MISCONDUCT
- VIII. Unfinished Business.
- IX. General Order.
- X. New Business.
  1. Policy 103 - EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENINGS
  2. Policy 335 - ACADEMIC INTEGRITY IN INSTRUCTIONAL CONTEXTS
  3. Policy 3xx - GENERAL EDUCATION COURSES
  4. Policy 322 - EQUITABLE AND TRANSPARENT FACULTY WORKLOADS
- XI. Adjournment.

**Meeting Minutes**

May 8, 2023

- I. Call to Order: 3:01pm
- II. Attendance: See Appendix 1.
- III. Adoption of the Agenda.
  1. Motion to approve: Berg/Gao
    - i. Approved unanimously.
- IV. Approval of Meeting Minutes from April 17, 2023.
  1. Approved by unanimous consent with one revision: Vold voted by proxy.
- V. Announcements.
  1. David Cook, President
    - i. Plaque presented to FS President Andrianova. Genuinely impressed with her leadership in this role. Represented the institution and academia really well during the legislative session. Had a really good relationship, even if not always agreed. Sincere and genuine thank you for everything you have done.
    - ii. Really excited about the students and staff governance changes. Students have an incredibly important role and there is a lot of hard work to do.
    - iii. Still optimistic about the results of the legislative session; received money for research. We got the hold harmless clause. We earned where we are, we have to earn our way out of it.
    - iv. Question from Sen. Gao: Does the 6/4 come with a tuition freeze? Pres. Cook: We have a 6% increase on salary and benefits the first year and 4% the second year. No plans at this time to raise tuition.
    - v. Question from Pres. Andrianova: Is the 6/4 increase adjusted for inflation or merit-based? Prov. Bertolini: My understanding is that it is merit-based. The Provost's Office takes money off the top for promotions, then it goes to the colleges. Merit-based increases will be determined at the department level, and will be up to the departments how to adjust them. Follow-up from Pres. Andrianova: So we will not get the full 6 and 4%? Prov. Bertolini: No, but close to it.
  2. David Bertolini, Provost
    - i. Thank you for your service; it has been a tough year.
    - ii. Reminder that this Saturday we have commencement, so come out to celebrate.
    - iii. Question from Sen. Berg: Have you started hiring the first-phase advisors yet? Prov. Bertolini: It is moving forward.

3. Anastassiya Andrianova, Faculty Senate President
  - i. This is the last meeting of the year when we elect our next Pres.-Elect.
  - ii. Reminder to run for Senate positions in your unit.
  - iii. Received request from the Provost's Office to nominate for the accessibility committee by May 19.
  - iv. Thank you for your service throughout the year. Named outgoing Senators.
4. Florin Salajan, Faculty Senate Past-President
  - i. Thanked President Andrianova and the executive leadership for their collaboration and all the Senators for their service.
5. Warren Christensen, Faculty Senate President-Elect
  - i. Grateful for Pres. Andrianova's work, have big shoes to fill. Looking forward to working with you.
6. Kristi Steinman, Staff Senate President
  - i. We had elections on Wednesday and elected Dr. Kay Hopkins as President Elect and Fred Hudson is now Past-President.
  - ii. Thank you for working with the Staff Senate; it has been a good collaboration between the Staff and Faculty Senates.
7. Kaylee Weigel, Student Body President
  - i. Christian left some pretty big shoes to fill. Building a stronger sense of community to meet all of our students' needs.
  - ii. Introduced Vice-President Austin Anderson, first year student.
8. Phil Hunt, Registrar
  - i. Thanked FS leadership and Senate members for their feedback. We're working on many things.
  - ii. If you're in the stage party, the rehearsal is on Friday at 8:30am.
  - iii. Trying to schedule active learning courses. We'll explore a software program that searches courses. We'll also look at a CourseLeaf upgrade. We'll need feedback from you if you are teaching an active learning course.
  - iv. Question from Sen. Selekwa: Suggests when assigning classrooms, consider instructors' need to transition (travel) from room to room when teaching multiple classes.

## VI. Committee and Other Reports.

1. Ad Hoc Committee on Internationalization and Global Engagement
  - i. Chair/Sen. Fellows: Draft report, intending to finalize the report at a future time. Reviewed internationalization and global engagement efforts at land grant institutions. Administered an internationalization survey on campus. Reviewed the Global Education Council report. There are many individuals doing great work in internationalization on campus. However, this is based on decentralized efforts, and there is a sense in the survey that there is a lot of lip service paid to internationalization and global engagement, but no palpable central support for these initiatives.

2. Ad Hoc Committee on Program Overlap and Course Duplication
  - i. Committee members Hektner and Norland: Program overlap: The burden should not be on the students, but on the department to make sure that they have 15 unique program credits.
  - ii. Course duplication: recommend current courses to be grandfathered. For new courses, there is already a question in CourseLeaf if the course overlaps with another course, so recommends that question to be mandatory.
  - iii. Create an archive of courses that may be similar, and require the course proposer to check they have reviewed whether there are existing courses that overlap with the proposed course.
  - iv. Question from Sen. Hong: Will you create guidelines for departments or programs to avoid duplication? Response from Dr. Hektner: We're not going to issue guidelines, but recommend that the proposer should provide a rationale for why the course is needed.
  - v. Pres. Andrianova thanked the ad hoc committee members for their work and disbanded them upon the completion of their charge.
- VII. Consent Agenda.
  1. UCC Report
    - i. Approved by unanimous consent.
- VIII. Special Order
  1. Election for the Faculty Senate President-Elect
    - i. Nominations
      - a. Dr. Jeremy Jackson
        - a. Honored to speak. Served a few years back during the pandemic. Looks forward to working with you all, a strong believer in our ability to work together for the betterment of our university. The more we can work to build avenues of trust with administration and students, the better our institution will be.
        - b. Voting results: 37 AYE; 0 NAY, 1 ABSTAIN (See Appendix 2 Q1)
          - i.
- IX. Unfinished Business.
- X. General Order.
- XI. New Business.
  1. Policy 331.1
    - i. Motion to approve: Haug/Fellows.
      - a. Discussion
        - a. Motion to amend: Law/Selewa. Suggests a friendly amendment to provide a syllabus at the beginning of the course, not the beginning of semester in the case of an 8-week course.

- b. Sen. Hong: This is an issue during the summer, and it matters, so he supports the change.
- c. Sen. Gao: Beginning of semester makes more sense from a student perspective.
- d. Sen. Arnold: The intent is to make sure students have enough time to plan based on what they see in the syllabi.
- e. Sen. Haug: We also need to account for the add/drop dates. Supports leaving as is.
- f. Sen. Law: minor amend to “start of semester/session.”
  - i. Motion to amend passed: 31 AYE; 5 NAY, 2 ABSTAIN (See Appendix 2: Q2)
    - 1. Motion to approve Policy 331.1 passed: 36 AYE; 1 NAY, 1 ABSTAIN (See Appendix 2: Q3)

2. Formation of an Ad Hoc Committee on Instructional Continuity Plans and Remote Work

i. Motion to approve: Wood/Vold

a. Discussion

- a. Sen. Brynjulson: Suggests professional students (e.g., pharmacy or other department with special accreditation needs) to serve on this group. Pres. Andrianova: we thought of keeping the group small for scheduling purposes, but the members can invite others to meetings.
- b. Sen. Arnold: CSWF has a sub-committee on remote work for faculty and wants to make sure this proposed committee would work on staff remote work during campus closure. The work of these committees should not overlap.

i. Motion passed: 36 AYE; 0 NAY, 0 ABSTAIN (See Appendix 2: Q4)

XII. Adjournment at 4:19pm: Fellows/Ross

- 1. Passed unanimously.

## Appendix 1: Attendance

Last Name	First Name	Substitution	Present
AKHMEDOV	Azer		X
AMIRI	Ali		X
ANDRIANOVA	Anastassiya		X
ARNOLD	Lisa		X
BARABANOV*	Nikita		X
BERG	Eric		X
BRYNJULSON	Rebecca		X
CHOI	Bong-jin		X
CHOI	Juwon		X
CHRISTENSEN	Warren		X
CREESE	John		X
EMANUELSON	Pam		X
FELLOWS	Kristen		X
GAO	Jerry		X
HAUG	Karla		X
HERSHBERGER	John		
HONG	David		X
HUSETH-ZOSEL	Andrea		X
HUSEYNOV	Fariz		X
JEONG	Inbae		
KILINA	Svetlana		
KIRKPATRICK	Sarah		X
KIRKWOOD	Matthew		X
KRYJEVSKAIA	Mila		X
LARSON	Jamee		X
LAW	Quincy		X
LIN	Zhibin		X
MARCH	Raymond		
MATTHEW	Sijo		X
MCGRATH	Ryan		X
NORDSTROM	Onnolee		X
PELTIER	Allison		
PHILBRICK	Candace		X
RAHMAN	Mukhlesur		X
RAO	Jiajia		X
ROBERTS	David		
ROSS	Darrell		X
SALAJAN	Florin		X
SECOR	Gary		X
SELEKWA	Majura		X
SMITH	Matthew		X

TANGEN	Jodi	X
TRAVERS	Steve	X
VOLD	Jessica	X
WOOD	Scott	X
YAN	Guiping	X
ZHANG	Qi	X

\* = Alternates

## Appendix 2: Voting Record

Session Name	Active Participants	Question Count			
05-08-2023 3:51 PM	36	4			
Participant	Q1	Q2	Q3	Q4	
ARNOLD, Lisa	ABS	AYE	AYE	AYE	
BERG, Eric	AYE	NAY	AYE	AYE	
BRYNJULSON, Rebecca	-	AYE	AYE	AYE	
CHOI, Bong-Jin	AYE	AYE	AYE	AYE	
CHOI, Juwon	AYE	AYE	AYE	AYE	
CHRISTENSEN, Warren	AYE	AYE	AYE	AYE	
CREESE, John	AYE	AYE	AYE	AYE	
FELLOWS, Kristen	AYE	AYE	AYE	AYE	
GAO, Jerry	-	AYE	AYE	AYE	
HAUG, Karla	AYE	AYE	AYE	AYE	
HONG, Yongtao	AYE	AYE	AYE	AYE	
HUSETH-ZOSEL, Andrea	AYE	AYE	AYE	AYE	
HUSEYNOV, Fariz	AYE	AYE	AYE	AYE	
KIRKPATRICK, Sarah	AYE	AYE	AYE	AYE	
KIRKWOOD, Matthew	-	-	-	AYE	
KRYJEVSKAIA, Mila	-	AYE	AYE	AYE	
LARSON, Jamee	AYE	AYE	AYE	AYE	
LAW, Quincy	AYE	AYE	AYE	AYE	
LIN, Zhibin	AYE	AYE	AYE	AYE	
MATHEW, Sijo	AYE	AYE	AYE	AYE	
MCGRATH, Ryan	AYE	AYE	AYE	AYE	
NORDSTROM, Onnolee	AYE	AYE	AYE	AYE	
PHILBRICK, Candace	AYE	AYE	AYE	AYE	
RAHMAN, Md Mukhlesur	AYE	AYE	AYE	AYE	
RAO, Jaja	-	AYE	AYE	AYE	
ROSS, Darrell	-	NAY	AYE	AYE	
SALAJAN, Florin	AYE	AYE	AYE	AYE	
SECOR, Gary	-	-	-	AYE	
SELEKWA, Majura	-	AYE	AYE	AYE	
SMITH, Matthew	AYE	NAY	AYE	AYE	
TANGEN, Jodi	AYE	AYE	AYE	-	
TRAVERS, Steven	AYE	NAY	NAY	AYE	
VOLD, Jessica	AYE	AYE	AYE	AYE	



WOOD, Scott	AYE	NAY	AYE	AYE
ZHANG, Qi	AYE	AYE	AYE	AYE

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Some Senators were unable to access online voting. Their votes are recorded below:

Q1: AYE: Akhmedov, Barabanov, Gao, Kirkwood, Krjyevskaia Rao, Ross, Secor, Selekwa, Yan;  
NAY: 0; ABSTAIN: 0.

Q2: AYE: Kirkwood, Secor, Yan; NAY: 0; ABSTAIN: Akhmedov, Barabanov.

Q3: AYE: Barabanov, Kirkwood, Secor, Yan; NAY: 0; ABSTAIN: Akhmedov.

Q4: AYE: Akhmedov, Barabanov; NAY: 0; ABSTAIN: 0.

## 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](mailto:ndsuscc@ndsu.edu).

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

Policy Number and Name: **Section 304 Academic Staff and Executive/Administrative Positions - Procedures for Filling**

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 proposed changes to this policy specify conflicts of interest for members of search committees, emphasize the importance for administrators of considering diversity and completion of search committee training when making appointments to search committees, and update external links (URLs).

Update: Legal suggested revisions to the first paragraph on page 1, and also to section 4.5.

Is this a federal or state mandate:  Yes  No

This policy applies to (check all that apply):  Students  Staff  Faculty  Other (please describe):

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

Commission on the Status of Women Faculty, Office of the Vice Provost for Faculty and Equity

Date Submitted to SCC Secretary: 8/17/2023

Email address of the person who should be contacted if revisions are requested: alan.denton@ndsu.edu

**NDSU's Strategic Plan Inclusivity and Diversity Goal Checklist\***. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	X			This policy ensures equity and transparency across campus, which supports physical, mental, social, and economic well-being of all faculty, staff, students.
The <i>economic</i> impact on students, staff, faculty, others was considered.	X			
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).	X			
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).	X			
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	X			
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	X			The request to review this policy came from the Office of the Provost/Faculty Affairs and Equity. Input came from the Commission on the Status of Women Faculty, which has faculty members from all colleges.
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.	X			
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	X			
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.	X			
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	X			

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.

\* The President's Council for Campus Wellbeing is committed to integrating a "Health in All Policies" approach when current policies are revised and new policies are developed. Why a "Health in All Policies" approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social,

economic and environmental factors of a community influence up to 55% of a person's wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

## North Dakota State University Policy Manual

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### SECTION 304 ACADEMIC STAFF AND EXECUTIVE/ADMINISTRATIVE POSITIONS - PROCEDURES FOR FILLING

SOURCE: NDSU President

**Subject to any applicable exceptions, including those listed in Policy 103,** All academic staff (instructors; assistant, associate, or full professors; and lecturers) and other positions within the 2000 (academic) job family and executive/administrative positions (job family 0000) that qualify for fringe benefits must be filled according to the following procedures. Additionally, for equal opportunity/affirmative action purposes, this search, recruiting, and hiring process must be followed assuring equal opportunity and non-discrimination based on any status listed in [NDSU Policy 100](#). See also, [Section 103 for Equal Opportunity/Affirmative Action Policy](#) on the Announcement of Position Openings, which includes the process for spouse or partner hiring and the allowance of such a hiring without a search, if appropriate, and [Section 103.1](#) on recruitment areas and methods.

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1. The position must be posted online at <https://www.ndsu.edu/employment/> - <https://jobs.ndsu.edu/>. If changes occur in the recruitment plan, the department shall notify the Office of the Provost.

The process to create and obtain approval for the position announcement, as well as [requirements for the posting of the announcement online and recruiting](#), [requirements are located available at online:](#)  
[http://www.ndsu.edu/fileadmin/diversity/Procedures\\_for\\_Filling\\_Non-Broadbanded\\_Positions\\_in\\_the\\_0000\\_and\\_2000\\_Job\\_Families.pdf](http://www.ndsu.edu/fileadmin/diversity/Procedures_for_Filling_Non-Broadbanded_Positions_in_the_0000_and_2000_Job_Families.pdf)

2. Prior to posting, the search committee chair must have received search training within the last three years provided through the Office of the Provost/[Faculty Affairs and Equity](#). All search committee members are strongly encouraged to complete search training.

~~2.3.~~ [Any search committee member with a conflict of interest \(see policy 352 for examples\), such as spouse, close collaborator, or former advisor, should recuse themselves or be recused from any discussion or interaction regarding the applicant. Unit administrators are urged to consider the importance of diversity and completion of search committee training when making appointments to search committees.](#)

~~3.4.~~ All applicants must apply via the online application system. Hard copy application materials will not be accepted.

~~4.5.~~ [Effective August 1, 2015,](#) **Subject to certain limited exceptions,** [The ND Veteran's Preference Law](#) applies to all ~~u~~University ~~s~~System positions. Any recruitment postings and advertisements ~~issued on or after August 1, 2015~~ must include notice that the position is subject to veteran's preference.

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~~5.6.~~ Additional information regarding recruitment/hiring resources for getting started, recruiting for a diverse applicant pool, screening/interviewing, interviewing guidelines for ADA compliance, and preparing an offer are available [online\\_ at](#)

~~[https://www.ndsu.edu/provost/administrative\\_units/facultyaffairs/faculty\\_recruitment/](https://www.ndsu.edu/provost/administrative_units/facultyaffairs/faculty_recruitment/)~~ Forms, such as the Request to Offer, NDSU Hiring Form 100/102, and NDSU Change Form 101, are located at: <http://www.ndsu.edu/forms>.

~~6.7.~~ The Request to Offer must be completed in its entirety, and routed for required electronic signatures with the following attachments:

- Interview Report Forms (An interview report form must be completed for each interviewee.);
- Screening Sheet;
- A list of the questions used in the formal interview;
- A list of questions asked of references;
- The names of references contacted; ~~and~~
- A draft of the proposed letter of offer based on the format proved by the Office of the Provost.

~~7.8.~~ A criminal background check must be completed for new benefited hires through the Office of the Vice Provost for Faculty and Equity. Upon approval of the request to offer and a completed background check, the candidate may be offered the position.

~~8.9.~~ Once the offer has been accepted, the remaining applicants will be promptly notified of the action. The search file will be completed by the search committee, ~~and will be~~ forwarded to and maintained at the Office of the Provost.

~~**NOTE: No Hiring form 100/102; Job Data or Change Form: 101 will be processed until search files have been completed and submitted to the appropriate location for retention of three years.**~~

~~10.~~ A current employee being hired for a different position under a search requires the Change Form: 101 instead of the Hiring Form: 100/102. This form must also be routed for signatures and have the same attachments as required under section 6.

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HISTORY:

New	July 1990
Amended	April 1992
Amended	May 1996
Amended	July 1997
Amended	November 1999
Amended	August 2002
Amended	December 2005
Housekeeping	May 2010
Amended	December 27, 2010
Housekeeping	January 10, 2011
Housekeeping	February 16, 2011
Housekeeping	October 26, 2011
Housekeeping	November 15, 2013
Housekeeping	October 5, 2015
Amended	March 29, 2018
Housekeeping	January 13, 2022

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

Policy Number and Name: 152.2 Membership in Professional and Service Organizations

Effect of policy addition or change: When representing NDSU, dues and membership fees should not be the responsibility of the employee.  
Current Policy 812.12 contradicts Policy 152.2.

Policy 152.2 states that dues and membership fees are the employee's personal responsibility, where as 812.12 states the cost of individuals' memberships, which are incurred primarily to represent the institution in business, technical, and professional organizations are allowable.

Delete the policy that dues and membership fees are an employee's personal responsibility and replace the language in 152.2.2 with the language from Policy 812.12, which currently allow these costs.

Is this a federal or state mandate:  Yes  No

This policy applies to (check all that apply):  Students  Staff  Faculty  Other (please describe):

Individual/Department/Committee or Organization submitting the policy change:  
Senator Gary Secor

Date Submitted to SCC Secretary:  
March 16, 2023

Email address of the person who should be contacted if revisions are requested:  
[gary.secor@ndsu.edu](mailto:gary.secor@ndsu.edu)

**NDSU's Strategic Plan Inclusivity and Diversity Goal Checklist\***. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).			x	
The <i>economic</i> impact on students, staff, faculty, others was considered.	x			
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).			x	
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).			x	
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).			x	
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	x			
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.		x		
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	x			
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.		x		
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	x			

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.

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# North Dakota State University Policy Manual

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## SECTION 152.2 MEMBERSHIP IN PROFESSIONAL AND SERVICE ORGANIZATIONS

SOURCE: NDSU President

1. Employees are encouraged to join and participate in professional and service organizations.
2. ~~Normally, dues and membership fees are the employee's own personal responsibility. The University may pay organization or institutional fees in professional and service organizations when the membership is regarded, either by the organization or the University, as an institutional membership or is otherwise considered directly beneficial to the University. In such cases, all benefits of membership, such as resource materials, belong to the University. All such funded memberships must be approved by the employee's supervisor who has budgetary responsibility for the unit or division. For the colleges of the University, this shall mean the Dean. The cost of individuals' memberships, which are incurred primarily to represent the institution in business, technical, and professional organizations are allowable. Costs of the institution's subscriptions to business, professional, and technical periodicals are allowable. If the subscription is in the name of an individual, the cost is still allowable provided the subscription is received at an on-campus address. Individuals must have funds available in the form of discretionary or grant funds for membership costs to ensure no financial burden is put on the university. All such funded memberships must be approved by the employee's supervisor who has budgetary responsibility for the unit or division. For the colleges of the University, this shall mean the Dean.~~
3. ~~Paid membership fees in professional and service organizations are also allowable when they are an allowable cost pursuant to a sponsored grant or contract pursuant to NDSU Policy 812(12). Approval must still be obtained pursuant to subsection 2.~~
4. ~~No other funded memberships are authorized unless specifically approved by a Vice President or the President.~~
- 3.

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**Commented [TW1]:** This is the major change with this version to address the issue of a financial burden on the university when Dr. Bresciani thought that the university would be funding all of the memberships. Reword as needed.

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HISTORY:

New December 1993



## 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](mailto:ndsuscc@ndsu.edu). Refer to the [NDSU Senate Coordinating Council process](#) for more information about housekeeping changes.

**Policy Number and Name:** 601 – Rights and Responsibilities: 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 Code of Conduct policy is reviewed approximately every 2 years for both housekeeping items (spelling/grammatical/formatting) as well as for changes based on feedback from the review group, changes in institutional/local/state/federal policy, and improvements to the Code. This year, the majority of changes fall into housekeeping items, with some substantive changes to policies based on experiences of conduct officers/administrators who interact frequently with the policy and students accused of violating it. In addition, the campus partners from the following offices were consulted and gave feedback which is reflected in the final proposed changes – University Policy and Safety, Equal Opportunity/Title IX, Student Activities, Records and Registration.

Is this a federal or state mandate:  Yes  No

This policy applies to (check all that apply):  Students  Staff  Faculty  Other (please describe):

The Code of Conduct describes rights and responsibilities related to NDSU students as well as individuals permitted by special status to utilize NDSU services (e.g. Pathway students, Tri-College University). While the policy covers those defined as “students” in the Code, it details the policies and procedures appropriate staff members will follow in resolution of conduct process with students. There are no academic-related policies within.

**Individual/Department/Committee or Organization submitting the policy change:** Matt Diischer, Assistant Dean of Students. Feedback from Code Revision Group – Matt Diischer, Emily Frazier, Jason Medders, Sam Elinson

**Date Submitted to SCC Secretary:** 7/3/2023

**Email address of the person who should be contacted if revisions are requested:** or [matt.diischer@ndsu.edu](mailto:matt.diischer@ndsu.edu) or [Emily.frazier@ndsu.edu](mailto:Emily.frazier@ndsu.edu)

**NDSU’s Strategic Plan Inclusivity and Diversity Goal Checklist\*.** Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and policies that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

<b>Checklist items</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	X			Policy describes expected behaviors for positive impact on others.
The <i>economic</i> impact on students, staff, faculty, others was considered.			X	No economic impact to changes made.
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).	X			Policy and any changes are to establish a safe environment at NDSU.
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).	X			Policy includes information about substance expectations to reduce substance use, shares resource offices and links in the Code.
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	X			Terminology and reasons behind policies examined from inclusive lens.
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	X			See summary above for stakeholders who were involved.
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.	X			See summary above for stakeholders who were involved.
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	X			Policy describes expected behaviors for positive impact on others.
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.			X	Dean of Student Office responsible for policy.
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	X			Staff and designees are defined, written clearly in ways that can be consistently applied.

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.

\* The President's Council for Campus Wellbeing is committed to integrating a "Health in All Policies" approach when current

policies are revised and new policies are developed. Why a “Health in All Policies” approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person’s wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

# North Dakota State University Policy Manual

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

SOURCE: NDSU President

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**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 ~~is designed~~ ~~strives to~~ 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 ~~may~~ 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 ~~is~~ unacceptable, whether it occurs on campus, off University premises, or in virtual spaces.

### **Respect for Students in the Conduct Resolution Process**

This Code identifies student rights [and responsibilities](#), and outlines due process. NDSU will work with all impacted students in an equitable manner to promote education and growth.

### **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.

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 [Bias Incident Reports site](#) ~~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.

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.

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 anyone who has been admitted to the University, and/or is enrolled in courses. The term "student" may also include individuals permitted by special status to utilize NDSU services. 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.

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. This includes online and/or electronic behaviors.

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 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 a ~~person~~ 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. Students/student organizations who fail to respond appropriately may be subject to serious University sanctions and may potentially be subject to additional civil and/or criminal liability.

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, all 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 egregious 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 the North Dakota University System. This address is considered the official form of communication for all purposes and students are expected to regularly 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 of law.

### 3.2 ~~Passive Participation~~ Complicity in Prohibited Acts

~~Passive participation is defined as being present while a conduct violation(s) is occurring, encouraging a violation(s) to occur, or failing to report a potential violation(s). Students are expected to make decisions that align with the Code. Those decisions include: 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:~~

- ~~Leaving the situation immediately (if not responsible for the space in which the violation is occurring) Personally confront those involved and stop the violation, except in cases of violence;~~
- ~~Personally intervening to immediately stop the violation(s), if one can do so safely Bring the violation to the awareness of a staff member; and/or~~
- ~~Reporting the alleged violation(s) to University staff or law enforcement. 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 is prohibited. ~~Additionally, and/or~~ possession or display of empty alcohol beverage containers anywhere on NDSU owned or controlled property and/or sponsored or supervised events is also prohibited.

### 3.5 Off Campus Alcohol

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

### 3.6 Drugs Other Than Alcohol

~~The manufacture, sale, transfer, purchase, transportation, possession, use or consumption of illegal drugs or any other controlled substance, including marijuana, is prohibited on campus or while participating in NDSU sponsored activities. 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 cannabis/marijuana). The manufacture, exchange, distribution, purchase, or sale of illegal drugs or controlled substances is prohibited.~~ The possession of drug paraphernalia is also prohibited.

~~Due to federal law, this prohibition applies to the use and possession of medical marijuana on campus. Although North Dakota state law permits the use of medical cannabis/marijuana, i.e., use by individuals possessing lawfully issued medical cannabis/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 cannabis/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, including 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.

### **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 [or trademark](#) 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](#)  
[NDSU Policy 158, Acceptable Use of Electronic Communications Devices.](#)

Field Code Changed

### 3.17 Deception/Falsification/Misrepresentation

~~Lying, w~~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, i~~ntentionally, or recklessly making false accusations of prohibited conduct against another individual; and/or
- Altering, destroying, or falsifying evidence.

### 3.18 Financial Aid Misuse

Misuse of financial aid through fraud or abuse is prohibited.

### 3.19 Disruption or Obstruction 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. [See NDSU Policy 154: Freedom of Speech, Expression, and Assembly.](#)

### 3.20 Failure to Comply

Failure to comply with the instructions or directions of ~~any~~ University and/or emergency personnel in the performance of their duties is prohibited. Such acts may include ~~intentionally or~~ 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.

### 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.

**3.30 Vandalism and Other Damage**

The intentional ~~or reckless~~ destruction, ~~or~~ defacement, ~~or~~ damage 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 ~~otherwise~~ 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, ~~U~~niversity apartments, or in any other campus buildings or property are prohibited ~~unless authorization has been granted by an appropriate administrator.~~ See [NDSU Policy](#)



[700. Services and Facilities Usage](#) and ~~[NDSU Policy 154, Distribution of Literature](#)~~[NDSU Policy 154, Freedom of Speech, Expression, and Assembly](#), ~~or contact:~~

Field Code Changed

#### **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:

- ~~Entering or using any~~Any University facility or portion thereof that has been reserved, restricted in use, or placed off limits;
- ~~Entering or using a~~Any University facility after closing hours;
- ~~Entering ory, using, or occupancy to~~spaces ~~to~~ which students are not permitted, such as ~~those spaces~~ limited by virtue of enrollment, employment, class schedule, and/or gender in facilities restricted by gender;
- ~~Entering or using A~~ 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; and/or-~~
- ~~Duplicating, manufacturing, possessing, loaning, or using any key/access device for use on University facilities, locks, or other property on University premises without proper authorization.~~

### 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, Equal Opportunity and Non-Discrimination Policy](#)) that are customarily viewed as hostile and intimidating. Unless otherwise deemed to be Protected Conduct (as defined in [NDSU Policy 154, Freedom of Speech, Expression, and Assembly](#)), 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~~

### 3.36 Unwanted Physical Contact

Unwanted physical contact by a student upon another is prohibited.

### 3.37 Physical Assault

Physical assault by a student on another is prohibited. Examples include [striking, slapping, hitting, punching, shoving, kicking, restraining, or other](#) use of [inappropriate or unwelcome](#) physical force ~~which, violence, intoxicants, or other substances to restrict the freedom of action or movement of another, and/or may~~ 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, Freedom of Speech, Expression, and Assembly](#)), 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~~.

### 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.

### 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 Policy](#), [NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures](#) and [NDSU Policy 162, Sexual and Gender-Based Harassment and Sexual Misconduct 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~~[Equal Opportunity and Title IX Compliance Office](#) or to the Dean of Students Office.

Title IX Coordinator/~~Equity Office~~[Equal Opportunity and Title IX Compliance Office](#)  
Old Main 201  
Phone: 701-231-7708

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

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

NDSU strives to create a campus community free from sexual ~~discrimination-harassment~~ 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~~[NDSU Policy 162, Sexual and Gender-Based Harassment and Sexual Misconduct Policy](#).

Field Code Changed

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~~[Equal Opportunity and Title IX Compliance Office](#) or to the Dean of Students Office.

Field Code Changed

Title IX Coordinator/~~Equity Office~~[Equal Opportunity and Title IX Compliance Office](#)  
Old Main 201  
Phone: 701-231-7708

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

### 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, Freedom of Speech, Expression, and Assembly](#)), 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~~

### 3.43 Stalking

Stalking is prohibited. Stalking is a ~~course pattern~~ of ~~unwelcome conduct directed at a specific person repeated and unwanted attention, harassment, contact, or any other course of conduct~~ that would cause a reasonable ~~person individual~~ to ~~feel~~ fear for ~~their own safety or others or would cause that person the safety of self or others or~~ to suffer substantial emotional distress. See ~~Policy 162~~ [NDSU Policy 162, Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy](#).

Field Code Changed

### 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/or~~ exposing ~~oneself genitalia~~ in ~~public spaces or 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;~~
- ~~Blocking or restricting reasonable access to doors, stairwells, emergency exits, and/or emergency equipment;~~
- 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.

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

### **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. [See NDSU Policy 154, Freedom of Speech, Expression, and Assembly.](#)

#### 4.5 Membership

Membership in student organizations and affiliated University groups is limited to current students, faculty, and staff of NDSU, [as well as eligible Tri-College University students. For more information regarding Tri-College eligibility and exemptions, see NDSU Congress of Student Organization Official Guidelines 6.1.4.-](#)

#### 4.6 Registration Requirements

The following information must be electronically filed with the Student Activities Office:

- [Organization registration form,](#)
- [Completed roster of all required leadership positions, including:](#)
  - [President,](#)
  - [Vice-President,](#)
  - [Treasurer,](#)
  - [Advisor; and](#)
- [Privacy Statements by students in leadership positions, and](#)
- [Copy of the current constitution that fulfills the following requirements:](#)
  - [Anti-hazing statement;](#)
  - [Anti-discrimination statement; and](#)
  - [Has been ratified within the last three \(3\) years.-](#)

[In addition, organizations must fulfill all responsibilities as detailed in the NDSU Congress of Student Organization Official Guidelines.](#)

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 ~~2.50~~ and may not be on academic probation.
- Must be an enrolled NDSU student.
- Must be in good conduct standing with the [University 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 [ndsusao@ndsus.edu](mailto:ndsusao@ndsus.edu).

#### **4.9 Fraternities and Sororities Membership**

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

#### **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:

- 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 on the following page](#). 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](#).

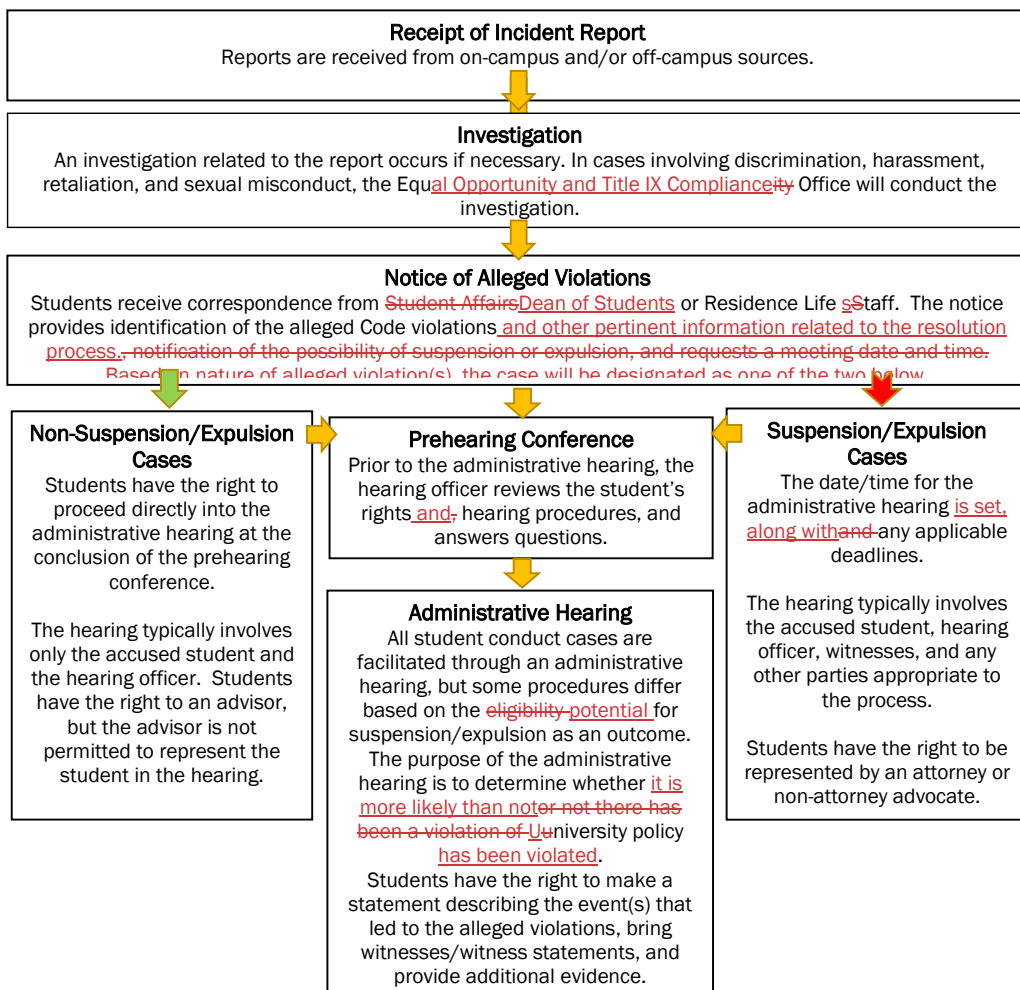
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### Resolution of Code of Student Conduct Violations Flowchart





### Notice of Decision

A notice of decision is generally emailed within ten (10) business days of the administrative hearing. The notice indicates if students have been found responsible for the violation(s) 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 (5) 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 100  
701-231-7701  
[nds.srr@nds.edu](mailto:nds.srr@nds.edu)

Department of Residence Life  
West Bison Court  
701-231-7557  
[nds.residence.life@nds.edu](mailto:nds.residence.life@nds.edu)

Equal Opportunity and Title IX Compliance  
Old Main 201  
701-231-7708  
[nds.eoaa@nds.edu](mailto:nds.eoaa@nds.edu)

For cases of discrimination, harassment, retaliation, and sexual misconduct, an individual you may file a report **Complaint Report Form**.

Field Code Changed

### 5.3 Student Advisor Options

Students have the right to have ~~an~~one (1) 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.

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 ~~their~~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.

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.

In Title IX cases, all applicable regulations will be followed as outlined in ~~156.1~~NDSU Policy 156.1, Title IX Complaint Procedures.

Field Code Changed

### 5.4 Investigation

Investigations are initiated ~~through~~in response to 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 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~~Equal Opportunity and Title IX Compliance 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 Preliminary~~ Investigative Report as set forth in NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures 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.

### 5.5 Interim or Remedial Measures

In the interest of safety and security, upon receipt of notice, specific interim or remedial measures appropriate to the circumstances 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.

### 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.

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.

The notice will include:

- 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 ~~request 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.

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

### 5.9 ~~Administrative 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 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 ~~the~~ 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.

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.

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.

#### **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 ~~ten~~ (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.

#### **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 ~~at~~ the particular case may not ~~conduct the hearing or~~ ~~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 (3) 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." ~~This which~~ means ~~the weight of the evidence indicates~~ ~~at~~ it is more likely than not ~~that~~ a violation ~~did~~ occur ~~red~~. 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.

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 is being~~ an educational process; ~~therefore,~~ 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 ~~the 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 of this Code.~~ ~~Appeal Procedures.~~

### **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, ~~that~~ representative has the ability to fully participate in the hearing as indicated in ~~Section 5.3 of this Code~~Section 5.3 of this Code~~Student~~Advisor Options.

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

### **6.2 Case Presentation and Response**

The hearing officer or designee will ~~outline the process for presentation~~provide a brief summary 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 of provided information.

### **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 ~~ten~~ (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 conduct 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.

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.

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

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 in Section 7.2 of this Code below.

2

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

- 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](#).

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.

## **7.1 Sanctions**

### **Warning**

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

### **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.

### **Supervised Conduct Probation**

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-student~~ may be assigned educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth.

### **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 (2) 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.

- ~~A~~The 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.
- ~~The~~A student ~~who has been suspended~~ must vacate ~~R~~esidence ~~L~~ife 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.
- ~~The~~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.

### **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 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**

~~SA~~students 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**

~~SA~~students 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 ~~/or~~ participating in University events and/or student organizations.

### **No Contact Order**

Students may be prohibited from direct or indirect physical, ~~and/or verbal,~~ ~~or electronic~~ 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 ~~U~~iversity 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:

- 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 (1) 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 Section 8.2 of this Code. 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. In cases that only involve a responding student, the appeal officer may not increase the sanctions/actions imposed by the hearing officer.

### **8.1 Deadline for Appeals**

An appeal of any conduct process decision must be made in writing within five (5) business days following the date the sanction notice is provided to the student. In extraordinary circumstances, the Vice Provost or designee 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.~~

### **8.2 Appeal Documentation**

Appeals must be submitted to the appeal officer specified in the decision letter using the designated appeal form. ~~The appeal must be submitted written by the student and shall contain the student's name, date of the decision or action, and reason(s) for the appeal. The documentation must specify provide in detailed explanation for~~ one or more of the following bases of appeal:

Field Code Changed

- 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.

A copy of an appeal will be given to the other party (if applicable) who will have the opportunity to respond. Students will have no more than five (5) business days to submit ~~at 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.

### 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 history~~ may be considered.

### 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 ten (10) business days of receiving the recommendation from the advisory board and that decision will be final.

Commented [DM2]: Ask Matt H – do we want to keep this?

### 8.6 Appeal Decision

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

- 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

The decision on the appeal will generally be made within ten (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 the University~~ 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.

### 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.

Commented [DM3]: Matt D and Emily revisiting 607

### 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 (5) 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 [of this Code 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.

### 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.~~ [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 will also be required prior to acceptance of the student's application for readmission.](#)

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 [Dean of Students office](#) ~~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.

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

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.

### 10.2 Retention and Destruction

~~Retention of conduct records, regardless of the finding of responsibility, will be kept for seven (7) years from the date of the most previous conduct incident. Student conduct records may be retained indefinitely at the discretion of the Vice Provost or designee. 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 or designee, 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 (7) years following the date of the incident. Student organization conduct records may be retained indefinitely at the discretion of the Vice Provost or designee.

**Commented [DM4]:** Tease out eliminating first paragraph by linking into second.

Retention of conduct records, regardless of the finding of responsibility, will be kept 7 years from the date of the the most previous conduct incident (be inclusive that expulsion are kept indefinitely.)- FISH THIS OUT.

Maintain sentence – Student conduct records may be retained indefinitely at the discretion of the Vice Provost.

Also

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#### 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
Amended	August 18, 2021
Amended	November 3, 2021

## 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](mailto:ndsuscc@ndsu.edu).

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

Policy Number and Name: 128 – Timekeeping for Hourly Employees (change in title)

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): Change timeslip (old terminology) to student and temporary. Remove old language that referenced old systems and forms not in use today. Section 3 – added language around expectations for both employees and supervisors around entering time and when it has to be approved. Section 4 and 5 – added clarifying language to paragraph. Section 6 – increased wage from \$13 to \$15 per hour to reflect wages more current in the workplace

Is this a federal or state mandate:  Yes  No

This policy applies to (check all that apply):  Students  Staff  Faculty  Other (please describe):  
Temporary employees

Individual/Department/Committee or Organization submitting the policy change:  
Mark Genkinger – Human Resources and Pat Hanson – Payroll

Date Submitted to SCC Secretary: March 27, 2023

Email address of the person who should be contacted if revisions are requested: [mark.genkinger@ndsu.edu](mailto:mark.genkinger@ndsu.edu) or [patricia.hanson@ndsu.edu](mailto:patricia.hanson@ndsu.edu)

**NDSU’s Strategic Plan Inclusivity and Diversity Goal Checklist\***. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	X			We believe the language adds clarity for this policy.
The <i>economic</i> impact on students, staff, faculty, others was considered.	X			Increases hourly wage without approval from HR.
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).			X	
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).			X	
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	X			Reviewed language to ensure
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	X			Reviewed with some staff and student employees.
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.			X	
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.			X	
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.	X			Student & Temporary Employees, Supervisors, Payroll & HR
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	X			HR & Payroll

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.

\* The President’s Council for Campus Wellbeing is committed to integrating a “Health in All Policies” approach when current policies are revised and new policies are developed. Why a “Health in All Policies” approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person’s wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

# North Dakota State University Policy Manual

## SECTION 128

### ~~TIMESLIP PAYROLL AND ELECTRONIC TIMEKEEPING FOR HOURLY EMPLOYEES~~ ~~NON-EXEMPT/STUDENTS//TEMPORARY STAFF~~

SOURCE: NDSU President

1. ~~This policy applies to any employee paid on an hourly basis. A student or timeslip/temporary employee is a person employed in a position of intermittent or limited duration not to exceed one year, a seasonal position, or in a position working less than seventeen and one half hours per week if hired before August 1, 2003, or twenty hours per week if hired on or after August 1, 2003 and at less than twenty weeks each year. (This also includes graduate assistants and student employees whose employment is incidental to their student status.) Policies and benefits included in this manual shall not apply to temporary employees except as noted. Students and other non-exempt (eligible for overtime) temporary staff/individuals should be paid on an hourly basis. Non-exempt regular staff members may also be paid on an hourly basis. Timeslip p~~ Pay periods will correspond to the regular semi-monthly pay periods which start on the first day of the month to the 15th of the month, and the 16th day of the month to the last day of the month. See Policy 122 [Section 1-4](#) for payment dates.
2. ~~Available to all~~ NDSU departments ~~should~~~~must~~ use the ~~timekeeping system in Peoplesoft or approved electronic timeclocks~~ ~~is an electronic timekeeping system~~ to pay ~~temporary~~ hourly staff. Pay periods and payment dates for departments utilizing this system correspond with the dates stated above in Policy 128 [Section 1-4](#). ~~Any exceptions to using these systems to report time, must be approved by NDSU Payroll Services.~~
- 2.1 ~~Contact the Human Resource/Payroll Office to implement electronic timekeeping. Please see the user's manual for instruction for use of the system.~~
3. ~~Instructions~~
  - 3.1 ~~Complete Hiring Form: 100 including the funding allocation on the second page. Submit one copy of Form 100 to the Human Resource/Payroll Office on or before the last day of the pay period in which the employee was hired. If a student is employed under work study, use a position number that has work study funding assigned to it.~~
  - 3.2 ~~Departments enter time for each employee on the Higher Ed Time Entry screen at the end of each pay period when specified by the payroll calendar.~~
4. ~~All hourly employees must enter their time as it is worked and not delay time reporting. Only T~~ ~~time not entered by employees the departments~~ within the specified pay period, ~~and approved by their supervisor no later than two business days after the end of the pay period,~~ will ~~not~~ be included in that pay period's payroll. ~~In the event of an administrative error, an exception can be requested by the department chair/ head and approved by NDSU Payroll Services to issue an off-cycle check, outside of the regular Payroll cycle.~~ ~~The department must then fill out and submit to the Human Resource/Payroll office a late timeslip that will then be paid on the next regularly scheduled payday.~~

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4.1 Hours worked are to be entered as follows. Fractional hours must be expressed in "tenths". Round time to the nearest "six minute interval" as follows:

- 00-06 minutes worked = .1
- 07-12 minutes worked = .2
- 13-18 minutes worked = .3
- 19-24 minutes worked = .4
- 25-30 minutes worked = .5
- 31-36 minutes worked = .6
- 37-42 minutes worked = .7
- 43-48 minutes worked = .8
- 49-54 minutes worked = .9
- 55-60 minutes worked = 1.0

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4.2 Departments cannot enter two different regular hourly rates of pay on the same position number for the same employee. Utilize a second Hiring Form 100 to submit to the Human Resource/Payroll office and assign a second pool position number for the second hourly rate. Enter hours worked for each position number separately on the Higher Ed Time Entry screen.

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4.2.14. NDSU as a whole is considered as the employer for overtime purposes. If a non-exempt temporary employee works more than 40 hours in one work week, whether in one department or multiple departments, those hours are subject to overtime payment.

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5. Per IRC Section 3121(b)(10) Student FICA Exemption - Students are exempt from FICA withholding when enrolled and regularly attending classes at the university where employed. To be eligible for the FICA exemption a student must be enrolled at least half time and employed in a non-benefited position averaging less than 20 hours per week in a twelve month period. The IRS uses the 12/20 rule as a standard to determine the qualifications for exemption. Under this guideline, students must be enrolled for 12 credit hours per semester and working an average of 20 or fewer hours per week. The 12/20 rule is used on a prorated basis for students enrolled between 6 and 12 credit hours per semester. An example of this proration is that a student enrolled for 9 credit hours should not work more than an average of 15 hours per week. Persons enrolled for less than 6 undergraduate credit hours are not exempt from FICA withholding.

5.

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5.1 Where students are employed under the work study program and have been hired into a position number that has work study funding assigned to it, hours must be entered on the Higher Ed Time Entry screen. In the "Other Earn Code" box, enter H14, and enter the hours in the "Other Hours" column. When this is done, the Actuals Distribution process will charge 25 percent matching to the fund specified on the Hiring form 100 and 75 percent to the work study fund.

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5.2 Salary payments to nine, ten and eleven month personnel performing services during summer school or who have summer salary must be made by use of the Change Form 101. Fill in the summer payment information at the bottom of the second page of the form.

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Since summer salaries for faculty from summer school and grant funds may be subject to retirement, all fund sources will be subject to the matching requirement. Please note "Pay

~~Retirement Benefits" in the Remarks-section on the second page of the form.~~

~~All faculty summer payments must be approved by the Office of the Provost and Vice President for Academic Affairs before being processed by the Human Resource/Payroll Office.~~

~~6. Timeslip employee raises are at the discretion of the department if the new hourly wage is \$13720.00 per hour or less. Department heads should be sensitive to the wage rates and amount of raises the regular staff are receiving in relation to the temporary staff.~~

6. Prior approval from the Office of Human Resources/Payroll is required prior to offering assigning more than \$13725.00 per hour compensation to a student/temporary employee. These employees should possess unique skills and experience required for a specific job. Skills and experience possessed, responsibility level, accountability, supervision required and complexity of tasks will be used to determine rate of pay.

~~Temporary job codes are based on student or timeslip categories and the work performed:~~

Student job codes: [http://sits.ndus.edu/broadbanding/descriptors/8000\\_band/](http://sits.ndus.edu/broadbanding/descriptors/8000_band/)

8800	Student General	Office & library workers, ITS
8805	Student Medical Clinic*	All employees in a Medical Clinic setting
8806	Student Medical Hospital	Hospital workers
8810	Student Aviation – Ground Crew	Aviation ground crew
8811	Student Aviation – Flying	Aviation flying operations
8815	Student Wellness & Entertainment Facilities*	All employees in Auditorium, Theatre, Wellness Ctr. (excluding Daycare)
8816	Student Broadcasting	Radio, TV employees
8820	Student Security	Parking, traffic, security, law enforcement
8825	Student Farming – Machinery	Farming & ranching machinery
8826	Student Farming – Non Machinery	Farming & ranching non-machinery
8827	Student Veterinary Medical	Medical treatment of animal regardless of setting
8830	Student Forest Nursery	Working with plants (excluding lawn maintenance & services)
8835	Student Painting	Painters
8836	Student Plumbing	Plumbers
8837	Student Carpentry	Carpentry and general maintenance
8838	Student Electrician	Electrician
8839	Student Heating Plant Operator	Heating plant assistant
8845	Student Laboratory	Research testing of samples in a lab setting
8846	Student Non-Agricultural Field Work	Environmentalist

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8847	Student Electronics & ITS Hardware	Computer & electronic hardware, installation, maintenance, repair
8848	Student Roofer	Roofers
8850	Student Custodial, Grounds & Maintenance	Building service, janitorial workers, groundskeepers and general maintenance
8855	Student Dining	Food service workers
8856	Student Daycare Workers	Daycare and childcare workers
8860	Student Auto	Automobile repair & maintenance
8865	Student Printing*	All printing operations workers
8870	Student Heavy Equipment Operator/Road Construction	Heavy equipment operators
8871	Student Bus Driver	Bus, van drivers
8872	Student Delivery	Courier, delivery, etc.
8875	Student Warehouse	Warehouse workers i.e., forklift

Timeslip Employee Job Codes: [http://sits.ndus.edu/broadbanding/descriptors/9000\\_band/](http://sits.ndus.edu/broadbanding/descriptors/9000_band/)

9800	Temporary General	Office & library workers, ITS
9805	Temporary Medical Clinic*	All employees in a Medical Clinic setting
9806	Temporary Medical Hospital	Hospital workers
9810	Temporary Aviation—Ground Crew	Aviation ground crew
9811	Temporary Aviation—Flying	Aviation flying operations
9815	Temporary Wellness & Entertainment Facilities*	All employees in Auditorium, Theatre, Wellness Ctr. (excluding Daycare)
9816	Temporary Broadcasting	Radio, TV employees
9820	Temporary Security	Parking, traffic, security, law enforcement
9825	Temporary Farming—Machinery	Farming & ranching machinery
9826	Temporary Farming—Non-Machinery	Farming & ranching non-machinery
9827	Temporary Veterinary Medical	Medical treatment of animal regardless of setting
9830	Temporary Forest Nursery	Working with plants (excluding lawn maintenance & services)
9835	Temporary Painting	Painters
9836	Temporary Plumbing	Plumbers
9837	Temporary Carpentry	Carpentry and general maintenance

9838	Temporary Electrician	Electrician
9839	Temporary Heating Plant Operator	Heating plant assistant
9845	Temporary Laboratory	Research testing of samples in a lab setting
9846	Temporary Non-Agricultural Field Work	Environmentalist
9847	Temporary Electronics & ITS Hardware	Computer & electronic hardware, installation, maintenance, repair
9848	Temporary Roofer	Roofers
9850	Temporary Custodial, Grounds & Maintenance	Building service, janitorial workers, groundskeepers and general maintenance
9855	Temporary Dining	Food service workers
9856	Daycare Workers	Daycare and childcare workers
9860	Temporary Auto	Automobile repair & maintenance
9865	Temporary Printing*	All printing operations workers
9870	Temporary Heavy Equipment Operator/Road Construction	Heavy equipment operators
9871	Temporary Bus Driver	Bus, van drivers, etc.
9872	Temporary Delivery	Courier, delivery, etc.
9875	Temporary Warehouse	Warehouse workers i.e., forklift

\*Composite: all employees in department

HISTORY:

New July 1990  
Amended November 1996  
Amended January 1999  
Amended January 2007  
Amended October 2007  
Amended November 2008  
Amended January 28, 2014  
Amended January 26, 2015

## 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](mailto:nds.scc@nds.edu).

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

Policy Number and Name: 130 – Annual Leave

Effect of policy addition or change: Explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s): Added some clarifying language in sections 1, 2.2, 4, 9 to better establish expectations of employees and/or managers in regards to this policy. The biggest change to policy is in section 6 which language was added to better clarify how in those situations where carryover is necessary, how that amount of carryover is determined each year.

**Policy requester submitted V2 with the following update: Added #14 which was a statement that was missing from this policy: Annual Leave is not accrued during developmental leaves or leaves of absence without pay.**

**8/16/2023- Legal proposed adding the word 'shall' to section 2.2**

Is this a federal or state mandate:  Yes  No

This policy applies to (check all that apply):  Students  Staff  Faculty  Other (please describe):  
Benefitted employees eligible for annual leave.

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

Date Submitted to SCC Secretary: 8/17/2023

Email address of the person who should be contacted if revisions are requested: [mark.genkinger@nds.edu](mailto:mark.genkinger@nds.edu) and [Kristina.astrup@nds.edu](mailto:Kristina.astrup@nds.edu)

**NDSU's Strategic Plan Inclusivity and Diversity Goal Checklist\***. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	X			With language in section 6, clear as to what carryover is allowed. Wasn't clear before this added language.
The <i>economic</i> impact on students, staff, faculty, others was considered.	x			This policy doesn't apply to students.
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).	x			
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).	x			
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	x			
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	x			Reviewed with some staff employees.
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.		x		
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	x			
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.	x			
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	X			HR/Payroll, Staff, Faculty

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.

\* The President's Council for Campus Wellbeing is committed to integrating a "Health in All Policies" approach when current policies are revised and new policies are developed. Why a "Health in All Policies" approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person's wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

# North Dakota State University

## Policy Manual

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### SECTION 130 ANNUAL LEAVE

SOURCE: NDUS Human Resources Policy Manual, Section 6  
NDSU President

1. Annual leave with pay is earned by eligible employees for the purpose of freeing them from their regular duties to spend time in rest and recreation or to attend to personal matters. Upon approval, annual leave may only be used in place of regularly scheduled work hours and shall not cause overtime. Such leave should be programmed ~~to insure that~~ to ensure that leave is taken rather than carried forward from year to year.
2. University operations govern annual leave periods. Consideration is given first to the convenience of the administration, departmental needs, then the employee's departmental seniority and finally to the employee's preference. Annual leave is computed on the basis of the employee's hours/week, and months/year.
  - 2.1 The employee must obtain authorization from his/her department head before taking annual leave. The form of this authorization is to be determined by the respective department head.
  - 2.2 The employee is responsible to report their leave in absence management, and their supervisor, or assigned proxy, shall approve the leave; within two business days after of the end of the pay period in which the leave was taken, upon returning to work.
3. Annual leave with pay for full-time benefited, broadbanded staff employees is earned on the basis of continuous service from date of employment as follows:

First through third year - the equivalent of 12 days per year  
Fourth through seventh year - the equivalent of 15 days per year  
Eighth through twelfth year - the equivalent of 18 days per year  
Thirteenth through eighteenth year - the equivalent of 21 days per year  
Over eighteen years - the equivalent of 24 days per year

Annual leave for full-time, non-banded employees in the following job categories is earned on the same basis as for staff employees: graduate research fellows (2230), graduate teaching fellows (2235), post doc research fellows (2240), research scientists (2420), extension program assistants (2530), and international exchange scientists (2810).

Graduate teaching, research or service assistants and experiment station project assistants do not earn annual leave.

- 3.1 Years of service shall be computed from the employment anniversary dates.
- 3.2 Annual leave for part-time staff employees and the non-banded employees identified above in 3 is earned on a prorated basis.

**Commented [MEM1]:** Is there a missing word here? (e.g. "must" or "shall")

**Commented [FA2R1]:** Policy requester agreed to this change (shall).

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4. Presidents, executive deans, provosts, vice presidents, positions excluded from the broadbanding system, and other positions approved by the President or chancellor at the time of hire are entitled to accrue a minimum of twelve working days and a maximum of 24 working days of annual leave each year to be taken at the convenience of the administration. Accrual rates for these employees are determined by the institution president. For any of these employees who are less than full-time, the annual leave will be prorated.

Each department may negotiate annual leave accrual on a case-by case basis during the recruitment, with prior Presidential approval. Current benefitted employees are not eligible to negotiate their leave accrual after starting employment.

5. Annual leave for ~~12-month~~12-month faculty and other non-banded job categories not identified in #3 above is earned at the rate of 16 hours per month, 24 days per year. Annual leave will be prorated for those who are less than full-time. For non-banded employees on 9, 10, or 11, month appointments, see Section 320.
6. All eligible employees may accumulate annual leave hours. Full-time employees may accumulate up to 30 working days or 240 hours which shall be carried forward on January 1st of each year. Part-time employees may accumulate up to the equivalent number of days or hours on a prorated basis. Any accumulation in excess of 30 days or 240 hours for full-time (or the equivalent on a prorated basis for part-time employees) ~~as of~~ December 31st of each year shall be cancelled. The~~Your~~ FTE status of the employee (between .5 fte and 1.0 fte) as of December 31<sup>st</sup> of each year will determine the amount of carryover allowed under this policy.
7. All employees eligible to accumulate annual leave must take at least forty hours (or the equivalent on a prorated basis for part-time employees) of annual leave each year, except for the year during which they are hired.
8. When a holiday occurs during annual leave, the holiday is not considered a day of annual leave time.
9. At the discretion of the department head/chair and the concurrence of the Director of Human Resources/~~Payroll~~ or designee, an employee may be granted annual leave in advance of the accumulation thereof up to a maximum of 40 hours. In rare cases, such as leave due to a workers' compensation claim or shared leave, the Human Resources~~R/Payroll~~ office may approve~~process~~ leave which exceeds the ~~40-hour~~40-hour advance. Annual leave taken in advance of accumulation ~~will~~may be deducted from the employee's last paycheck, provided the employee has signed a~~An~~ agreement authorizing the deduction should be signed by the employee. ~~This agreement must be submitted to and approved by the Office of Human Resources and Payroll prior to the employee obtaining a negative accrual balance.~~
10. Benefitted employees terminating employment must be paid for earned unused annual leave subject to all approved payroll matched reductions/deductions. "Unused annual leave" shall include any leave carried over from the previous year and all accrued leave up to the date of termination. Proper termination notice must be given and any unearned annual leave taken shall be deducted from the employee's last paycheck.
  - 10.1 Annual leave earned by an employee on a ~~12-month~~12-month appointment may not be carried forward by the employee to be used or paid for during the term of a subsequent appointment for less than 12 months and must be paid out.
11. In case of death, payment of all earned, unused annual leave shall be paid according to Section 34-01-12 of the North Dakota Century Code. (See Section 183.)

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12. Accrued annual leave for employees previously employed with other North Dakota institutions or agencies may be transferred to institutions under the State Board of Higher Education according to agreements between the employee and the institution. If re-employment occurs within one calendar year, the re-employing institution shall credit the employee with prior years of service from any state agency in computing annual leave accrual rate.

~~13.~~ When employment begins or ends during a pay period, the accrual of annual leave shall be prorated for the pay period when the employee is hired or terminated and does not work a full pay period.

~~13-14.~~ Annual leave is not accrued during developmental leaves or leaves of absence without pay.

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~~14-15.~~ Leave requests are processed on an on-going basis. The approving supervisor is responsible for verifying leave balances before approving. Corrections to leave will be handled by the Office of ~~Payroll Services~~ Human Resources and Payroll.

~~15-16.~~ Employees may exercise FMLA rights to preserve up to 40 hours of their available annual leave balance while the remainder paid leave runs concurrent with the FMLA leave entitlement period. After FMLA eligibility is exhausted then FMLA protections shall not apply to the preserved annual leave balance.

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HISTORY:

New	July 1990
Amended	April 1996
Amended	March 1998
Amended	October 1999
Amended	April 2002
Amended	October 2003
Amended	March 2006
Housekeeping	April 2010
Housekeeping	May 15, 2012
Housekeeping	April 11, 2013
Housekeeping	July 12, 2013
Amended	March 26, 2014
Amended	November 7, 2014
Amended	June 22, 2015
Housekeeping	March 31, 2017
Housekeeping	August 31, 2018
Amended	December 14, 2020

## Policy Change Cover Sheet

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

Policy Number and Name: Policy 326: ACADEMIC MISCONDUCT

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

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

This change represents addition of self-plagiarism to Policy 326 as recommend by Academic Integrity Committee. Self-plagiarism is listed among various forms of academic misconduct in 3.1, a definition is provided in 3.11. One additional minor change is suggested in 9.2.4 to ensure use of inclusive language.

Is this a federal or state mandate:  Yes  No

This policy applies to (check all that apply):  Students  Staff  Faculty  Other (please describe):

Individual/Department/Committee or Organization submitting the policy change: Faculty Affairs & Equity and Academic Integrity Committee

Date Submitted to SCC Secretary: 8/1/2023

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

[canan.bilen.green@ndsu.edu](mailto:canan.bilen.green@ndsu.edu)



**NDSU’s Strategic Plan Inclusivity and Diversity Goal Checklist\***. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection.

**Please address each item in the checklist below:**

<b>Checklist items</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	x			
The <i>economic</i> impact on students, staff, faculty, others was considered.			x	
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).			x	
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).	x			
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	x			
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	x			
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.		x		
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	x			
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.			x	
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	x			

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# North Dakota State University

## Policy Manual

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### SECTION 326 ACADEMIC MISCONDUCT

SOURCE: NDSU President  
NDSU Faculty Senate

#### 1. PHILOSOPHY AND PURPOSE

- 1.1 North Dakota State University is committed to upholding the highest standards of integrity of its endeavors in the pursuit of academic activities including research, instruction, and service. The University will promote an open and honest atmosphere in reviewing and reporting possible academic misconduct.
- 1.2 Scholarly inquiry creates the expectation for strict integrity in its pursuit. Integrity is defined as a commitment to intellectual honesty, and personal responsibility. As a public institution engaged in research, NDSU has an obligation to ensure public trust and confidence in our academic programs and publications. NDSU is committed to creating an environment which promotes responsible conduct that embraces attitudes of excellence, trust, and lawfulness in all our endeavors. It is essential to create this environment in order to maintain academic integrity, which in turn will promote academic excellence leading to reliable and accurate research results.<sup>1</sup> Because misconduct in scholarly inquiry, including the improper expenditure of funds, threatens the confidence in the academic endeavor, it is the responsibility of the University to foster an academic environment that discourages misconduct in all endeavors of scholarly activity and to develop policies and procedures to deal forthrightly with possible misconduct associated with scholarly activity.
- 1.3 These policies and procedures deal with academic misconduct and define a process to report, review, investigate, and resolve, allegations of academic misconduct. They are directed toward governing behaviors to maintain integrity in the pursuit of scholarly, academic activities, and they are consistent with the principle of self-regulation in maintaining integrity in scholarly inquiry.<sup>2</sup>

#### 2. APPLICABILITY

- 2.1 These policies are applicable to all persons employed at NDSU and associated with NDSU through academic activities. These would include, but are not limited to faculty, adjunct faculty, research professors, lecturers, collaborators, staff, technicians, post-doctoral fellows, graduate, and undergraduate students, and volunteer assistants. However, allegations against graduate and

undergraduate students which are course related will be handled under [NDSU Policy 335: Code of Academic Responsibility and Conduct](#).

- 2.2 While this policy deals with internal allegations, any NDSU employee wanting to charge misconduct against an individual(s) outside the University must have discussed the allegations with the Department Chair, Dean, and Provost before proceeding with such allegations.

### 3. DEFINITIONS

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

3.9 **Respondent** shall refer to the accused or the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

3.10 **Scholarly inquiry, creative activity, and research** shall be considered synonymous terms.

3.11 **Self-plagiarism shall mean the use of one's own previous work in another context without citing that it was used previously.**

#### 4. PRINCIPLES

4.1 Due to the wide variety of endeavors of scholarly activity, no one set of guidelines can cover all situations. Also, because of the seriousness of the nature of this subject, several basic principles must be used to guide the processes.

4.2 Allegation(s) must receive immediate, appropriate, thorough, and impartial consideration.

4.3 The Complainant who in good faith reports apparent academic misconduct shall be protected from recrimination. Good faith allegations are those that are made with the honest belief in the truth of the allegation based on the information the Complainant had reasonable access to at the time of the allegation.

4.4 The Respondent, Complainant, witnesses, and committee members must be afforded confidential treatment during the entire process to the extent reasonably possible. Disclosure of the charges and evidence under this policy will be made only as specified in the regulations of the sponsoring agency or as required by the North Dakota Open Records Act. Any violation of this rule is also considered a matter for disciplinary action. Further, the Respondent must be afforded confidential treatment to the extent reasonably possible while being given an opportunity to respond to the allegations and provide a defense during the Inquiry or Investigation phases. A confidentiality agreement can be required.

4.5 From receipt of the initial allegation to the completion of the investigation, every effort will be made to obtain and secure evidence that will be directly applicable to the case. All evidence must be carefully weighed to determine whether an allegation has been made in good faith or malice.

4.6 In order to determine misconduct, NDSU must find (1) that there was a significant departure from accepted practices of the relevant academic or professional community; (2) it was committed intentionally, knowingly, or

recklessly; and (3) the allegation must be proven by a preponderance (greater than 50%) of the evidence.

- 4.7 If allegations of apparent academic misconduct are shown to be unfounded and have been made with the malicious intent of destroying a career and reputation, the evidence of this fabrication is to be presented to the Provost for appropriate examination and possible disciplinary action.

4.7.1 Malicious allegations to harm or harass other individuals will not be tolerated by the University, nor will retaliation against the Respondent, Complainant, witnesses, or inquiry or investigative committee members. Further actions against Complainants who have acted in bad faith may be taken under NDSU policies that apply to employment and termination procedures. Actions that may be taken by NDSU could include, but are not limited to, termination of employment or expulsion.

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

- 4.9 Challenges against a member of the Academic Integrity Committee for a conflict of interest shall be handled by the committee first and then, if the matter is not resolved, by the President of the Faculty Senate.

## 5. ACADEMIC MISCONDUCT PROCEDURES

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

## 6. PHASE I: RECEIPT OF ALLEGATION

- 6.1 Initially, the Complainant should report the allegation and provide evidence to the university official who is the immediate supervisor of the Respondent. The person receiving the allegation is hereafter referred to as the receiver of the allegation.

6.1.1 Any National or Federal agency involved could also be notified. Most agencies will not investigate initially and will allow NDSU to proceed as the primary investigating body. The funding agency will review the submitted reports to determine if further actions need to be taken. Federal agencies expect each institution to handle these proceedings and will only take charge if there is an immediate need to handle the case themselves.

- 6.2 Upon receipt of an allegation, the receiver of the allegation must immediately inform the Provost (or specified designee) formally, in writing of the nature of the allegation. The Provost will inform the President.
- 6.3 Allegations of academic misconduct by a Complainant (other than the University acting through its administration) must normally be received within six years from the time when alleged academic misconduct occurred. Other exceptions include: (1) the Respondent continues or renews any incident of alleged research misconduct that occurred outside the six-year limit through the citation, republication or other use for the potential benefit of the Respondent of the research record that is the subject of the allegation; (2) NDSU, following consultation with appropriate agencies, determines that the alleged misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public; or (3) there is an allegation of fraud which prevented the discovery of the alleged misconduct. Allegations older than six years will normally not be accepted.

## 7. PHASE II: INQUIRY

- 7.1 Upon receipt of an allegation, the Provost will prepare a statement of allegation which identifies the Complainant, and notifies the Respondent, the appropriate department chair(s), and academic dean(s) of the allegation with available evidence.
- 7.2 The Respondent and Complainant will be offered initial consultation at the time of the receipt of the allegation to assist all parties in understanding the extent of this policy and procedures, and the potential and real consequences. They shall be provided copies or informed of the location of relevant policies and/or rules.
- 7.3 The Provost shall appoint an inquiry committee of three persons consisting of non-administrative, tenured faculty with the rank of professor (emeritus and emerita professors are eligible). Members of the committee may be external to the University and non-faculty members may be appointed if a specific case warrants their inclusion to review the allegation(s).
  - 7.3.1 The inquiry committee will determine if there is sufficient basis to conduct an investigation based on whether (1) the allegation falls within the definition of academic misconduct as defined above; (2) the allegation is sufficiently credible; and (3) the allegation is specific enough so that potential evidence of academic misconduct may be identified. "Sufficient basis" means that there is enough evidence that could be adequate to establish a violation if proven.
  - 7.3.2 Interviews must be conducted, where possible, with both the Respondent and the Complainant and any other persons who may have

information relevant to the allegation and purpose of inquiry. The Complainant and the Respondent must comply with appropriate requests by the inquiry committee for documents and other relevant evidence.

- 7.3.3 The committee may seek an opinion by a recognized authority in the Respondent's field.
- 7.3.4 Upon completion of the inquiry, the committee will prepare a report which shall include: (1) the name and position of the Respondent(s); (2) a description of the allegation of misconduct; (3) list of persons interviewed; (4) a summary of the evidence; (5) the conclusions of the inquiry; (6) a rationale for the recommendation that the alleged misconduct did or did not warrant an investigation; (7) any comments by the Complainant and Respondent; and (8) identification of relevant grants or other funding involved.
- 7.4 The Complainant and Respondent shall be given a complete copy of the report. Each will be given 10 working days to respond to the report and their comments will become part of the record.
- 7.5 The inquiry report will be completed and submitted to the Office of the Provost within 60 calendar days from the receipt of the initial allegation, unless circumstances which can be documented indicate reasons for exceeding this 60 day period.
- 7.6 If the Provost determines that there is no basis to conduct an investigation, a copy of the inquiry report shall be maintained for a period of seven years in the Office of the Provost. This is to permit a later, independent assessment of the reasons for determining that an investigation was not warranted should this be requested by an appropriate agency.
- 7.7 Seven years after the completion of the inquiry, all documentation shall be destroyed.
- 7.8 If, at any time, the documentation is requested by any party, the Respondent shall be notified.
- 7.9 All work of those involved should, to the extent possible, remain confidential. Breaches of confidentiality may be subject to appropriate sanctions.
- 7.10 The Complainant can appeal a decision not to conduct an inquiry to the Committee on Academic Integrity within five (5) working days of receiving notice that an inquiry is not warranted.

## 8. PHASE III: INVESTIGATION

- 8.1 If the Provost determines that the findings from the inquiry provide sufficient basis for conducting an investigation, the investigation must be initiated within a thirty (calendar) day period after written notification to the Respondent that there will be an investigation. On or before the initiation of the investigation, NDSU will notify all applicable agencies as required by regulations.
- 8.2 The investigation will be conducted by the standing committee of the Faculty Senate, the Committee on Academic Integrity (<https://www.ndsu.edu/facultysenate/bylaws/>).
- 8.3 The Provost Affairs shall forward the inquiry report to the Committee on Academic Integrity (Investigation Committee) which shall investigate the allegations in substantial compliance with all Federal Regulations.
- 8.4 The Investigation Committee shall comply with the following guidelines:
  - 8.4.1 Respondent must be notified in writing that an investigation is being conducted, must be interviewed by the Investigation Committee, and has the right to call any witnesses or produce any evidence in defense. In addition, the Respondent has the right to have an attorney accompany him/her/them to the interview. If an attorney for the Respondent is present, the Investigation Committee may request that the University provide legal counsel to assist it as well.
  - 8.4.2 The Investigation Committee may request, and must use diligent efforts to secure, any evidence considered necessary to conduct a complete investigation of the allegation. Whenever possible, interviews should be conducted of all individuals involved including the Respondent and the Complainant as well as other individuals who might have information regarding key aspects of the allegations. Because of the possible specialized nature of the evidence to be investigated, the Committee may seek advice from experts within or from outside the University. Complete summaries of these interviews should be prepared and provided to the interviewed person(s) for comment and shall be included as part of the investigation file and furnished to the Respondent.
  - 8.4.3 The Investigation Committee will deliberate and reach its conclusions and write its final report in executive session. Further, the Investigation Committee must prepare and maintain all documentation to substantiate its findings.
  - 8.4.4 The investigation by the Investigation Committee is to remain confidential unless disclosure is required by the North Dakota Open Records Act or by the sponsor's guidelines.



- 8.5 If it is determined that the allegations of misconduct are groundless, a report with supporting documentation shall be forwarded to the Office of the Provost to be retained appropriately for a period of seven years.
- 8.6 If the allegations are substantiated by a preponderance (greater than 50%) of the evidence, the Investigation Committee shall forward the report to the Provost and the President with recommendations for appropriate disciplinary action (sanctions).
- 8.7 The Respondent and Complainant shall be given a complete copy of the report. Each will be given ten (10) calendar days to respond to the report and their comments will become part of the record.
- 8.8 All persons and agencies involved in the investigation shall be notified of the conclusion. A copy of all documents shall be furnished to the Respondent and the Complainant. If the documents are requested by any party, the Respondent shall be notified.
- 8.9 In the case of a federal grant, a final report (in substantial compliance with all Federal regulations) prepared by the Provost describing policies and procedures under which the investigation was conducted, the nature of the allegations, how information was obtained, all persons interviewed with text or summary of interviews, the findings, the basis for the final decision, and a description of disciplinary action taken by the institution, must be sent to the appropriate agency.<sup>3</sup>
- 8.10 It shall be the responsibility of the Provost to communicate the results of the investigation to collaborators, journals, publishers, professional societies, licensing agencies, and sponsoring agencies with whom the accused has had professional contact as appropriate.
- 8.11 The investigation should ordinarily be completed within 120 calendar days of its initiation. If it cannot be completed within that time, then a request to the Office of Research Integrity (ORI) (or other applicable agency(ies)), will be made by the Provost to extend the time, and documentation for the reasons for exceeding this period must be made available in the report.

## **9. SPECIAL REPORTING REQUIREMENTS**

- 9.1 Normally, the inquiry or investigation will be conducted in such a manner as to protect the privacy/confidentiality of all involved.
- 9.2 However, if at any stage of the inquiry or investigation, any of the following conditions exist, there must be immediate notification to the sponsoring agency or other affected parties:

- 9.2.1 There is an immediate health safety risk or immediate need to protect human or animal subjects;
- 9.2.2 Research activities should be suspended;
- 9.2.3 There is an immediate need to protect agency funds, equipment, or the integrity of the research process;
- 9.2.4 There is an immediate need to protect the interests of the person(s) making the allegation or the individuals who are subject to the allegations as well as his/her/their co-investigators and associates;
- 9.2.5 It is probably that the alleged incident is going to be reported publicly;
- 9.2.6 There is reasonable indication of possible violation of civil or criminal law. In this instance, the institution must inform the appropriate sponsoring agency, if necessary, within 24 hours of obtaining that information; or
- 9.2.7 There is a reasonable belief that the research community or public should be informed.

## 10. SANCTIONS

- 10.1 NDSU administration may implement specific sanctions congruent with the misconduct.
- 10.2 Sanctions resulting from academic misconduct may include, but are not limited to, termination of employment or student status, termination of current research activity, special prior review of future research activities, written reprimand, probation for a specific period of time, and/or suspension of rights and responsibilities.
- 10.3 In cases of students, recommendations for sanction or disciplinary actions will be forwarded to the Associate Vice Provost for Student Affairs or the Graduate Dean to determine appropriate administration of any sanctions.
- 10.4 In deciding what final actions are appropriate when misconduct is found, NDSU officials should consider:
  - 10.4.1 The seriousness of the misconduct;
  - 10.4.2 The degree to which the misconduct was knowing, intentional, or reckless;

10.4.3 Whether the misconduct was an isolated event or part of a pattern of behavior;

10.4.4 Whether it had a significant impact on the research record, research subjects, other researchers, institutions, or the public welfare; and

10.4.5 Other relevant circumstances.

## 11. APPEALS

11.1 Appeals of the Committee on Academic Integrity finding of misconduct will be handled through federal agencies of oversight where applicable or through NDSU's President's Office.

11.2 NDSU appeals must be made directly in writing to the President of NDSU within 30 days of the notice of determination by the Committee on Academic Integrity.

11.3 Review of the appeal is by the President. The President has the option to appoint a technical review committee for advice.

11.4 NDSU may suspend an internal appeal until further determination by the agencies.

11.5 NDSU appeals will be restricted to the evidence presented and will be limited to the University's failure to follow published procedures or arbitrary or capricious decision making.

11.6 Upon review of the appeal, the determination made by the President of the University is final.

11.7 Grievances and appeals to sanctions and disciplinary actions will be handled accordingly to the applicable policies. Faculty (policy [157](#), [350.3](#), [353](#)); Staff/employee (policy [157](#), [230](#), [231](#)); and Students (policy [601](#) and [335](#)).

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1. *Integrity in Scientific Research*, Institute of Medicine, National Research Council, (2002).

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

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

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HISTORY:

New	May 14, 1990
Amended	April 1992
Amended	June 1995
Amended	December 2002
Amended	October 2003
Amended	October 2007
Amended	November 2008
Housekeeping	February 14, 2011hk
Housekeeping	September 2015
Housekeeping	March 27, 2018
Housekeeping	January 6, 2020

## 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](mailto:ndsuscc@ndsu.edu).

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

Policy Number and Name: **Section 103 Equal Opportunity/Affirmative Action Policy on the Announcement of Position Openings**

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 proposed changes to this policy, under consideration since Fall 2021, would clarify the requirements for posting announcements of openings for all benefitted academic and executive/administrative positions. The current distinction between "half time or less" and "more than half time" positions would be replaced by a distinction between "temporary" and "regular" positions, consistent with Policy 101 Personnel Definitions. Revisions to Secs. 2.1 and 2.2 specify the types of search (internal or external) and posting time requirements for announcing temporary and regular positions, respectively. Revisions to Sec. 2.3 emphasize the importance for administrators to consider completion of search committee training when assembling search committees and the need for finalists for executive/administrative positions to meet with representatives from unit and campus groups that work to promote diversity, inclusion, and respect. Revisions to Secs. 2.4 and 3 clarify the conditions under which exceptions to posting requirements may be authorized and require the Office of the Provost/Faculty Affairs and Equity to annually report exceptions to Faculty and Staff Senate Presidents.

Is this a federal or state mandate:  Yes  No

This policy applies to (check all that apply):  Students  Staff  Faculty  Other (please describe):

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

Commission on the Status of Women Faculty, Office of the Vice Provost for Faculty and Equity

Date Submitted to SCC Secretary: 5/12/23

Email address of the person who should be contacted if revisions are requested: alan.denton@ndsu.edu

**NDSU’s Strategic Plan Inclusivity and Diversity Goal Checklist\***. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	X			This policy ensures equity and transparency across campus, which supports physical, mental, social, and economic well-being of all faculty, staff, students.
The <i>economic</i> impact on students, staff, faculty, others was considered.	X			
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).	X			
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).	X			
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	X			
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	X			The request to review this policy came from the Office of the Provost/Faculty Affairs and Equity. Input came from the Commission on the Status of Women Faculty, which has faculty members from all colleges.
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.	X			
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	X			
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.	X			
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	X			

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.

\* The President’s Council for Campus Wellbeing is committed to integrating a “Health in All Policies” approach when current policies are revised and new policies are developed. Why a “Health in All Policies” approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person’s wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

# North Dakota State University

## Policy Manual

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

SOURCE: NDSU President

This policy addresses requirements and procedures for position openings. Regardless of the position announcement procedures that are followed, all employment decisions within the University are subject to equal opportunity laws and regulations and NDSU's Equal Opportunity and Non-Discrimination [Policy 100](#). For equal opportunity purposes, all appointments to payroll budget positions and equivalent positions supported by non-appropriated funds are subject to the search, recruiting, and hiring processes in Sections [202](#) and [304](#) of this manual.

Section 1 pertains to staff positions. Section 2 pertains to [faculty-academic](#) and executive/administrative positions. Section 3 pertains to all positions.

#### STAFF

1. Staff (as defined in [NDSU Policy 101.1](#) generally referred to as "broadbanded employees" include those positions in the following job bands: 1000, 3000, 4000, 5000, 6000, and 7000).
  - 1.1 If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced throughout the appropriate recruiting area as defined in Section [200](#) of this Manual.
  - 1.2 Generally speaking, the recruiting areas are as follows for staff positions:
    - 1.2.1 Administrative/managerial positions in the 1000 band: national.
    - 1.2.2 Professional positions in the 3000 band: regional.
    - 1.2.3 Technical/Paraprofessional (4000); Office Support (5000) Crafts/Trades (6000); and Services (7000): local (Fargo-Moorhead community and/or surrounding counties as applicable).
  - 1.3 When a benefitted staff position vacancy occurs and there is a pool of regular employees appropriately qualified for transfer or promotion (including former employees covered by Reduction in Force policy [Section 223](#)), a unit supervisor may choose to advertise a vacant position internally for a minimum of five working days prior to initiating an external search. Promotion for staff employees is defined as those positions that result in a change of title and compensation associated with it. The procedures, which involve utilizing the online application system for these internal searches, will be the same as those external searches as mentioned in subsection 1 (see Section [202](#)). The Human Resources/Payroll Office, in consultation with the unit supervisor, will be responsible to determine whether a pool of appropriately qualified employees exists.
  - 1.4 If the appointment is either less than .50 FTE or clearly stipulated to be for a total duration of less than twenty weeks (non-benefitted), no formal position announcement posting to the online employment application system is required. Unit supervisors are, however, encouraged to announce benefitted positions. The announcement may be distributed within

the University to the eligible staff of the particular administrative unit involved. Affirmative action efforts must still be undertaken to ensure that qualified minority individuals, females, and individuals with disabilities are included in the applicant pool. Proof of affirmative action efforts will be required, such as documentation reflecting an open announcement to all eligible staff of an appropriate unit or adequate written documentation on why the candidate is being selected for the opportunity without an announcement to the appropriate unit. Distributing the position announcement to the other Tri-College University institutions or within the Fargo-Moorhead community is also encouraged.

- 1.5 Recruitment for all benefitted staff positions in the 1000 and 3000 bands shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees.
  - 1.5.1 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists of the individual to fill the position is the responsibility of the unit administrator. A member of the Human Resources shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.
- 1.6. Although unit leaders are encouraged to post throughout the University any staff position that offers an important promotional opportunity to employees in other departments, the formal procedures for filling positions that involve utilizing the online application system for job announcements (see Sections [202](#) for broadbanded positions and [304](#) for non-banded) shall be optional in the following cases. (Whenever an appointment is based on one of the following options, the request to recruit must be completed online for benefitted positions and the specific option should be noted in the appropriate section of the online request to offer or on the NDSU [Change Form \(101\)](#) with relevant documentation attached.)
  - 1.6.1 Timeslip employment that is not identified as a payroll budget appointment.
  - 1.6.2 The transfer or promotion of an employee within a department or office, provided that the employee is fully qualified for the new position and was originally hired through a competitive search. This exception excludes faculty positions. This option is governed by [NDSU Policy 240](#) which provides procedures and the requirement of the hiring department to obtain permission from the Director of Human Resources/Payroll who will review for appropriateness of the promotion including equitable issues.
  - 1.6.3 When there is concurrence by the hiring department, reassignment due to:
    - 1.6.3.1 An injury resulting in worker's compensation award and subsequent retraining; or
    - 1.6.3.2 A reduction-in-force.
  - 1.6.4 When an employee, at time of hire or within two years of employment, has a spouse or partner who is fully qualified and interested in a university position. (Please note the responsibilities lie with the employed spouse/partner's unit supervisor to encourage the spouse/partner to locate positions that they feel they are fully qualified for and make an appointment with a staff member in Human Resources/Payroll Office and/or with the head/chair of the appropriate unit to review



the spouse's/partner's education and experience. The hiring department will make the final hiring decision.

- 1.6.5 At the request of the appropriate supervisor, the reinstatement of a former NDSU employee who has left his/her employment within the previous nine (9) months, provided that:
  - 1.6.5.1 The employee had a satisfactory performance record; and
  - 1.6.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and
  - 1.6.5.3 The position is within the department where he/she worked at the time of resignation.
- 1.6.6 The appointment of an employee to fill a vacant administrative position on an acting basis, normally for a period not to exceed one year, while a search is being conducted for a regular appointee.
- 1.6.7 With prior approval, the temporary appointment of a person to a grant-funded position when the individual has been instrumental in the development of the project or is identified by name in the proposal as having unique expertise necessary to the project. This temporary appointment may not be continued beyond the period of the grant project, and the individual may not be transferred to any other University appointment without an appropriate search.

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

- 1.6.8 An externally funded appointment as a broadbanded research professional in a department where the individual has just completed an NDSU graduate degree and the assignment involves continuation of the research used for the individual's thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

#### Academic and Executive/Administrative Positions Faculty and Executive/Administrative Staff

2. Benefitted academic positions (in the 2000 job band), defined in Policy 101.1 and generally referred to as "non-broadbanded employees," include tenure-line faculty of all ranks, professors of practice, research professors, instructors, lecturers, professional extension and experiment station personnel, coaches, research assistants and associates, and postdoctoral researchers. Executive/administrative positions (primarily in the 0000 job band) include deans, associate deans, vice presidents, center/institute directors, vice provosts, and provost. Recruitment for such titled and/or compensated positions, both full- and part-time, falls under two primary categories: temporary and regular (defined in Policy 101).  
Executive/Administrative (primarily in 0000 job bands) and benefitted Academic Staff (in 2000 band — bands are defined in NDSU Policy 101.1), generally referred to as "non-banded employees," include such positions as tenured and tenure track faculty and deans. Recruitment falls under two primary categories: half time or less or interim (2.1) and more than half time

~~(2.2).~~

2.1 Temporary positions are limited to 12 months, whereafter the position must be filled by conducting a search. To ensure transparency and equal opportunities for individuals to learn about and apply for the position, the unit supervisor must internally announce a temporary position to appropriate units and accept applications for at least 10 working days. For compliance with this policy, documentation of the announcement and review of applications must be provided to the Office of the Provost/Faculty Affairs and Equity before the position is offered. Even when using internal searching, for any positions that come with fringe benefits, the formal search process detailed in Policy 304 must be followed.

When a temporary position is filled for a term of up to a year, the position may be renewed for one additional term, pending successful evaluation by the supervisor in consultation with the Office of the Provost/Faculty Affairs and Equity, with the expectation that a search will be completed to fill a regular position.

Titled and/or Compensated Positions (Less Than .50 FTE or Interim)

If the appointment is less than .50 FTE or stipulated to be for less than twenty weeks, the titled or compensated position shall be announced internally within the unit (and to other relevant internal units as appropriate to the position). The unit supervisor must ensure transparency and equal opportunities for individuals to learn about and apply for the positions. This means the unit supervisor must announce the position to appropriate unit(s) internally and accept applications for at least ten working days. Documentation of the announcement and review of applications must be provided to the Office of the Provost before the position is offered so the Office of the Provost can ensure compliance with this policy. Even when using internal searching, for any positions that come with fringe benefits, the formal search process detailed in Policy 304 must be followed.

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2.2 Regular positions are to be filled by an external or internal search, depending on the type of position. In the case of an external search for a tenure-line faculty of any rank, professor of practice, or research professor, the position shall be announced for at least 20 working days throughout the appropriate recruiting areas, as defined in Policy 103.1. In the case of an external search for an instructor, lecturer, coach, research assistant or associate, postdoctoral researcher, assistant experiment station specialist, extension district director, extension area specialist, or extension field staff, the position shall be announced for at least 10 working days (for exceptions, see Sec. 2.4). In the case of an internal search, the position shall be announced for at least 10 working days.

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2.2.1 The following positions shall be filled by an external search: tenure-line faculty in the 2000 band and executive/administrative positions in the 0000 band, including deans, full-time (> 0.5 FTE) center/institute directors, provost, vice provosts, and vice presidents.—

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2.2.2 The following positions may be filled by either an internal search or, if funding allows, an external search: chairs/heads, associate deans, part-time (< 0.5 FTE) center/institute directors, titled and/or compensated program directors or coordinators, and other benefitted academic positions in the 2000 band, including instructors, lecturers, coaches, assistant experiment station specialists, extension district directors, extension area specialists, and extension field staff. The Office of the Provost/Faculty Affairs and Equity shall approve the type of search to conduct through consultation with the appropriate dean.

Equal to or Greater Than .50 FTE, Non-Interim Positions

If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced

throughout the appropriate recruiting areas as defined in [Section 103.1](#) of this Manual (with the exception of graduate level degree seeking students).

~~2.2.1~~ Generally speaking, the recruiting areas are:

~~2.2.1.1~~ Executive/Administrative positions in the 0000 band: national.

~~2.2.1.2~~ Benefitted Academic staff such as tenure/tenure track faculty in the 2000 band: national.

~~2.2.1.3~~ The 2000 level: lecturer, assistant coach, assistant experiment station specialist, Extension district directors, Extension area specialists, and Extension field staff: regional.

~~2.2.2~~

2.3 Recruitment for all (~~temporary/regular~~) benefitted ~~academic and~~ executive/administrative ~~and academic staff~~ positions (all those in the 0000 and 2000 job bands) shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity ~~and completion of search committee training~~ when making appointments to search committees (~~see Policy 304~~). NDSU Policy 339 requires for every faculty recruiting committee to include faculty from the unit and at least one student. A unit may wish to include both an undergraduate and a graduate student on the committee.

2.3.1 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists is the responsibility of the unit administrator and is based on the recommendation of the search committee. The Vice Provost for Faculty, ~~Affairs~~ and Equity, or designee shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.

2.3.2 Interviews of finalist candidates in the 0000 band shall include a meeting with ~~representatives from unit and campus groups that are working to promote diversity, inclusion, and respect, such as members of the Faculty Senate Committee on Diversity, Equity, and Inclusion, the Commission on the Status of Women Faculty, the President's Council on Diversity, Inclusion, and Respect, and relevant college committees.~~

~~2.2.4~~ Exceptions to searches for benefitted ~~academic and~~ executive/administrative, ~~and academic and professional broadbanded staff~~ positions listed (~~greater than .50 FTE and longer than 4 months~~) are limited to the following ~~circumstances~~:

2.4.1 ~~A lecturer may be transferred to a probationary tenure-line appointment, if outlined in the employee's original contract, provided they were originally hired through a national search. The transfer of an academic staff member from a lecturer line to a probationary appointment as outlined in the employee's original contract provided that he or she had secured the appointment on a nationally competitive basis.~~

2.4.2 ~~A postdoctoral fellow, research scientist, or broadbanded research professional in a unit where the individual has just completed an NDSU graduate degree may be appointed to a grant-funded position if the assignment involves continuation of the~~

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~~research used for the individual's thesis/dissertation. An externally funded appointment as a postdoctoral fellow, research scientist, or broadbanded research professional in a department where the individual has just completed an NDSU graduate degree and the assignment involves continuation of the research used for the individual's thesis/dissertation.~~ This appointment is limited to the period for which funding has been given and normally may not exceed two years.

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

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

- 2.4.4 ~~A supervisor who has identified a candidate(s) possessing unique skills required for a postdoctoral position may submit to the employing unit chair/head a request to interview the candidate for consideration and approval by the chair/head after consultation with the Office of the Provost/Faculty Affairs and Equity.~~

- 2.4.5 When a faculty member has a spouse or partner who is fully qualified and interested in a university position, a dual career exception to the search process may be made. The ~~department or~~ unit administrator is responsible to contact the Vice Provost for Faculty Affairs and Equity as soon as possible. Hiring a spouse or partner depends upon the qualifications of the spouse or partner, the availability of a suitable and acceptable position in each case, and is subject to the approval of the ~~department or~~ unit into which the spouse or the partner will be hired, following an interview process within that unit. For positions in the 0000 job band and positions in the 2000 job band not defined as faculty, [Section 1.6.4 of this policy](#) applies.

- 2.4.6 At the request of the appropriate supervisor and with unit support, ~~the reinstatement of~~ a former NDSU employee who has left ~~his/her~~ their employment within the previous nine (9) months; ~~may be reinstated, provided that the employee had a satisfactory performance record, the employee is returning to a position requiring similar qualifications and having similar responsibilities, and the position is within the unit where they worked at the time of leaving, provided that:~~

~~2.2.4.5.1 The employee had a satisfactory performance record; and~~

~~2.2.4.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and~~

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~~2.2.4.5.3 The position is within the department where he/she worked at the time of leaving.~~

2.4.7 With concurrence of the hiring unit, an individual may be reassigned due to an injury resulting in workers' compensation award and subsequent retraining or a reduction-in-force. When there is concurrence by the hiring department, reassignment due to:

~~2.2.4.6.1 An injury resulting in worker's compensation award and subsequent retraining; or~~

~~2.2.4.6.2 A reduction in force.~~

2.4.8 A unit or college may submit to the Office of the Provost/Faculty Affairs and Equity a request for an exception to posting period requirements for unanticipated loss of faculty, unmet teaching or research needs, or exceptional organizational changes.

2.4.9 When athlete recruitment periods for athletic teams are of concern, and NDSU Athletics has established a suitable candidate, a hire may be completed without the regular recruitment time period and process, pending compliance with all NCAA guidelines.

2.4.10 An employee may be appointed to fill a vacant executive/administrative position on an acting basis, normally for a period not to exceed eight weeks, while a search is being conducted for a temporary/regular appointment consistent with equal opportunity principles as outlined in sections 2.1-2.3.

2.4.11 To inform faculty and staff, authorized exceptions will be reported annually to the Faculty and Staff Senate Presidents by the Office of the Provost/Faculty Affairs and Equity.

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#### All Positions

3. In limited cases involving extraordinary circumstances, further exceptions to this policy may be authorized. A request for an exception is initiated by the hiring unit submitting a Presidential Exception Hire Approval Form to the unit's dean, director, or appropriate vice president. If supported by the dean, director, or appropriate vice president, the request is forwarded to the Office of the Provost/Faculty Affairs and Equity. If supported by the Vice Provost for Faculty Affairs and Equity, the request is forwarded to the President for consideration. To inform faculty and staff, authorized exceptions will be reported annually to the Faculty and Staff Senate Presidents by the Office of the Provost/Faculty Affairs and Equity.

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~~Exceptions to this policy may be authorized by the President in unique circumstances. A written request for the Presidential exception is initiated by the hiring department and forwarded through the appropriate supervisory line to the unit's dean or director. If there is support from the dean or director, the request is forwarded to the Provost or the appropriate vice president. If the request is supported by the vice president after consultation with the Vice Provost for Faculty and Equity and the unit's dean and director, it is forwarded by the Provost or Vice Provost to the President for consideration.~~

#### HISTORY:

New May 15, 1978

Amended	February 6, 1979
Amended	April 21, 1981
Amended	November 13, 1989
Amended	September 24, 1991
Amended	April 1992
Amended	August 1993
Amended	December 1994
Amended	May 4, 1999
Amended	October 2001
Amended	October 2004
Amended	April 2005
Amended	October 2006
Amended	October 2007
Amended	May 2008
Housekeeping	September 2009
Housekeeping	July 2010
Amended	October 2010
Housekeeping	December 2010
Housekeeping	March 2011
Amended	September 30, 2012
Amended	February 4, 2014
Housekeeping	March 20, 2014
Amended	April 24, 2014
Amended	December 12, 2014
Housekeeping	June 4, 2015
Housekeeping	April 14, 2016
Housekeeping	March 16, 2017
Amended	December 13, 2019

## 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](mailto:ndsuscc@ndsu.edu).

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

Policy Number and Name: Policy 335: Academic Integrity in Instructional Contexts

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

This change represents a minor addition to Policy 335 that allows faculty or instructional staff members to request that the Academic Integrity Committee (AIC) or sub-committee review an administrative decision on student academic misconduct. This addition allows the faculty member to have recourse if policy was violated or an outcome was unjust. However, this policy's goal is not to change the outcome or a not guilty decision for the student. Instead, the function is to allow a faculty member a voice if there is a flaw in the process.

Update 3/29/2023 with edits from Legal – Section 7.

Is this a federal or state mandate:  Yes  No

This policy applies to (check all that apply):  Students  Staff  Faculty  Other (please describe):

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

Date Submitted to SCC Secretary: March 21, 2023

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

[Elizabeth.c.crawford@ndsu.edu](mailto:Elizabeth.c.crawford@ndsu.edu)

**NDSU’s Strategic Plan Inclusivity and Diversity Goal Checklist\***. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	x			
The <i>economic</i> impact on students, staff, faculty, others was considered.			x	
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).			x	
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).	x			
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	x			
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy		x		
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.		x		
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	x			
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.			x	
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	x			

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.

\* The President’s Council for Campus Wellbeing is committed to integrating a “Health in All Policies” approach when current policies are revised and new policies are developed. Why a “Health in All Policies” approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person’s wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.



# North Dakota State University

## Policy Manual

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### SECTION 335 ACADEMIC INTEGRITY IN INSTRUCTIONAL CONTEXTS

SOURCE: NDSU Faculty Senate Policy

The academic community operates on the basis of honesty, integrity, and fair play. This trust is violated when students engage in academic misconduct, either inadvertently or deliberately. This policy serves as the guideline for cases in which cheating, plagiarism, or other academic misconduct have occurred in an instructional context (e.g., coursework, exams for degree requirements, practical experience, or fieldwork experience). Depending on the nature of the alleged offense, academic misconduct involving graduate or undergraduate research (e.g., thesis, dissertation, honors thesis), may be handled by either this policy or [policy 326. ACADEMIC MISCONDUCT](#). This policy also serves as the guideline for cases in which there is evidence of student academic misconduct in more than one instance.

The policy identifies the process for addressing academic misconduct in instructional contexts and the instances where the University may impose penalties beyond the instructional context.

1. Definitions. In this policy, an “instructional staff member” is defined as anyone who has primary responsibility for a course, experiential learning site/experience, or other applicable instructional contexts. Examples of instructional staff members include tenured and tenure-track faculty members, professors of practice, teaching assistants who have primary responsibility for a course, teaching fellows, instructors, lecturers, and hosts or supervisors of internship or practicum experiences.

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

2. Academic or research misconduct (intentional or otherwise) includes but is not limited to the following:
  - a) Plagiarizing, i.e., submitting work that is, in part or in whole, not entirely one’s own, without attributing such portions to their correct sources;
    - i. Cases of apparently unintentional plagiarism or source misuse must be handled on a case-by-case basis and in the context of the instructor’s policies. Unintentional plagiarism may constitute academic misconduct.
    - ii. Improper attribution of sources may be a symptom of bad writing and not plagiarism. Instructors are encouraged to recognize that citation skills are developed over time and are contextual.
  - b) Receiving, possessing, distributing or using any material or assistance not authorized by the instructional staff member in the preparation of papers, reports, examinations or any class

assignments to be submitted for credit as part of a course or to fulfill other academic requirements;

- c) Unauthorized collaborating on individual assignments or representing work from unauthorized collaboration as independent work;
  - d) Having others take examinations or complete assignments (e.g., papers, reports, laboratory data, or products) for oneself;
  - e) Stealing or otherwise improperly obtaining copies of an examination or assignment before or after its administration, and/or passing it onto other students;
  - f) Unauthorized copying, in part or in whole, of exams or assignments kept by the instructional staff member, including those handed out in class for review purposes;
  - g) Altering or correcting a paper, report, presentation, examination, or any class assignment, in part or in whole, without the instructional staff member's permission, and submitting it for re-evaluation or re-grading;
  - h) Misrepresenting one's attendance or the attendance of others (e.g., by PRS or attendance sheet) in a course or practical experience where credit is given and/or a mandatory attendance policy is in effect;
  - i) Fabricating or falsifying information in research, papers, assignments, projects, or reports;
  - j) Violating IRB protocol;
  - k) Aiding or abetting academic misconduct, i.e., knowingly giving assistance not authorized by the instructional staff member to another in the preparation of papers, reports, presentations, examinations, or laboratory data and products;
  - l) Unauthorized copying of another student's work (e.g., data, results in a lab report, or exam);
  - m) Tampering with or destroying materials, (e.g., in order to impair another student's performance);
  - n) Utilizing false or misleading information (e.g., illness or family emergency) to gain extension or exemption on an assignment or test.
3. The university culture of academic honesty. A primary responsibility of the students, instructional staff members, staff members and administrators is to create an atmosphere in which academic honesty, integrity, and fair play are the norm and academic misconduct is not tolerated.
- a) Instructional staff members are responsible for providing guidelines concerning academic misconduct at the beginning of each course, and should use precautionary measures and security to discourage academic misconduct. It is required that the [approved academic honesty statement](#) be contained in each class syllabus. For internships, practicums, experiential learning sites, or other courses that may not have a class syllabus, it is recommended that instructional staff members communicate these guidelines at the start of the practicum or experiential learning.

- b) Students participating in academic misconduct are subject to disciplinary action even when not enrolled in the course where the academic misconduct occurred.
4. Fairness. Instructional staff members and administrators are responsible for procedural fairness to any student accused of academic misconduct. An instructional staff member who suspects that academic misconduct has occurred in his/her class or other instructional context has an initial responsibility to:
- a) inform the student involved of his/her suspicion and the suspicion's grounds;
  - b) allow a fair opportunity for the student to respond;
  - c) make a fair and reasonable judgment as to whether any academic misconduct occurred; and
  - d) inform the student of the judgment, penalty (if any), and the student's right to appeal any decision resulting in a penalty.

In instances where a penalty is imposed by the instructional staff member, the instructional staff member must contemporaneously complete the [Student Academic Misconduct Tracking Form](#) (the "Tracking Form") and submit it to the Provost's Office. The Provost's Office shall submit copies of the Tracking Form to the student, the Dean of the student's primary major, the Registrar's Office and, if applicable, the Dean of the College of Graduate and Interdisciplinary Studies.

The Office of the Provost shall maintain a database of all Tracking Forms it receives. This database may be shared with relevant personnel in order to address trends in academic misconduct, address multiple instances of academic misconduct, or as otherwise allowed under FERPA.

Once a student has been informed that academic misconduct is suspected in a class or other instructional context, that student cannot drop the class.

5. Penalties imposed by the instructional staff member. Instructional staff members have the prerogative of determining the penalty for academic misconduct in their classes and other instructional contexts.
- a) Penalties may be varied with the gravity of the offense and the circumstances of the particular case. Penalties may include, but are not limited to, failure for a particular assignment, test, or course.
  - b) If an instructional staff member imposes a penalty, the student may not drop the course in question without the permission of the instructional staff member.
6. Penalties imposed by the University. If a student involved in a case of academic misconduct is not enrolled in the course in which the academic misconduct occurred, the instructional staff member teaching that course may recommend a penalty to the Dean of the student's primary college. In the situation where a student has engaged in multiple instances of academic misconduct, the Dean of the student's primary major may impose additional penalties in accordance with this policy or as otherwise allowed under established College policy. Absent mitigating circumstances, the Dean's decision on additional penalties shall be communicated to the student and instructional staff member within five business days of the Dean's receipt of the Student Academic Misconduct Tracking Form.

The University may also impose additional penalties according to procedures established by an academic program or college (including the College of Graduate and Interdisciplinary Studies). In the absence of any such procedures, penalties related to academic misconduct, including the ability to repeat a course, shall be controlled by this policy and other applicable NDSU policies. Additional penalties imposed by the university and colleges should be communicated across units that have imposed the previous penalties.

7. Student Appeals. A student who has received a penalty for academic misconduct may appeal the penalty imposed by the instructional staff member and, if applicable, the Dean of their primary major. Any such appeal must be initiated within 15 business days of the student's receipt of the notification identifying the penalty being imposed. In instances where the University is imposing additional penalties beyond those imposed by the instructional staff member, the 15-day period begins upon the notification from the Dean identified in Section 6. If a student chooses to appeal a penalty, the imposition of the penalty remains until the appeal process is resolved. A student who receives an academic misconduct notification within the last 15 business days of the spring term may submit an appeal up to 15 business days into the fall term.

All appeals must be in writing and will be reviewed in the following situations:

- a) The instructional staff member's decision was made in an arbitrary or unnecessarily harsh manner;
- b) The instructional staff member's decision was not substantiated by adequate evidence;
- c) The student's rights were violated.

Review of academic misconduct decision-making:

In cases where the penalty has been overturned, a faculty member may request a review by the Academic Integrity Committee or by a sub-committee appointed by the Academic Integrity Committee ("Committee"). The Committee may not overturn the decision of Administration, but it may review the process to ensure that the policy was properly followed, while also addressing any negative consequences for the faculty members. The Committee shall provide its written findings, including its rationale, to all parties involved. The goal of this process shall be to improve policy implementation. A faculty member may disagree that the chair or other administrators upheld policy during their academic misconduct decision-making process. In that case, the process can be reviewed by the Academic Integrity Committee or by a sub-committee appointed by the Academic Integrity Committee. In cases where the student has been found not guilty, this decision cannot be overturned by the Academic Integrity Committee or its appointed sub-committee. The rationale of the decision and the findings of this review should be provided in a letter to all parties involved. This process should focus on improving policy implementation and addressing any negative consequences for the faculty member.

e) —

e) —

In all instances, student appeals are first considered by the instructional staff member. If the instructional staff member upholds the penalty, the student shall be notified of the decision and can submit the appeal to the Chair of the instructor's department. If the Chair upholds the penalty, the student shall be notified of the decision and can submit the appeal to the Dean in the College in which the academic misconduct occurred. For penalties limited to the instructional context, the decision of the Dean is final.

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In instances where the Dean has imposed additional penalties, the student's appeal shall be forwarded to the Office of the Provost for a final decision, if the decision is not overturned by the instructional staff member or the Dean.

NDSU will endeavor to complete the appeal process within 30 business days of the initiation of the appeal.

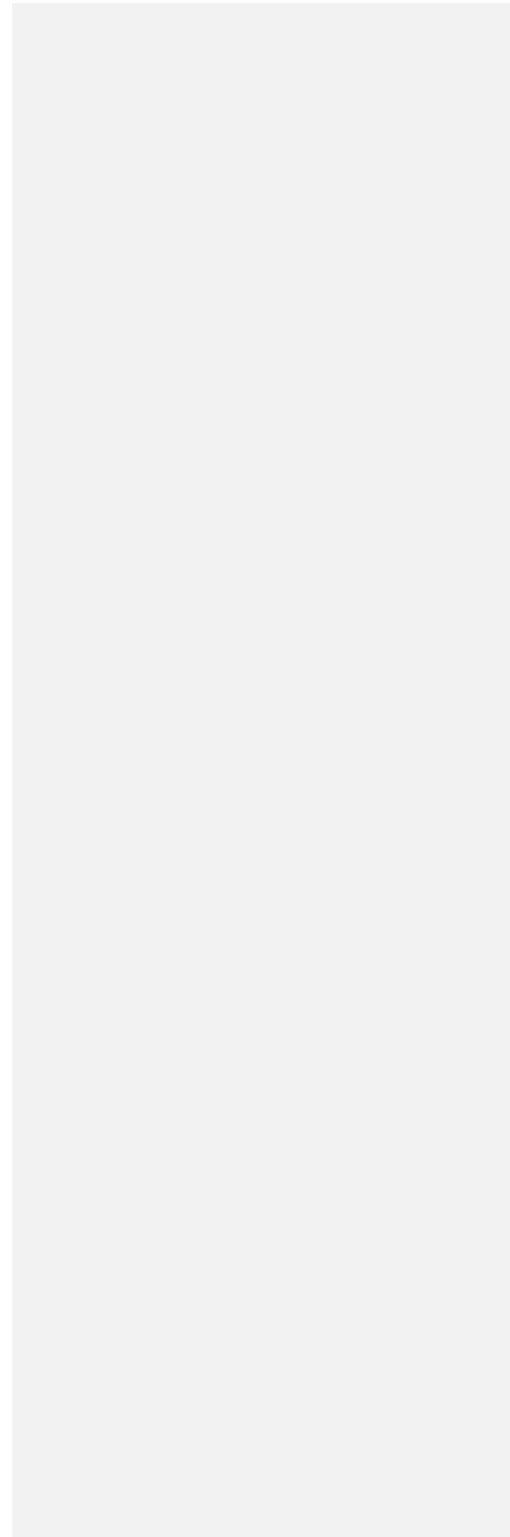
In the event that a penalty is overturned, the individual responsible for overturning the penalty shall notify the Office of the Provost so that the applicable information may be removed from the database identified in Section 4.

8. Procedures for cases involving individuals who are not NDSU students. If a person who is not an NDSU student (according to the definition in Section 1 of this policy) is involved in academic misconduct, the instructional staff member shall send a written statement describing the academic misconduct to the Provost, Vice Provost for Student Affairs and Enrollment Management, Registrar, and Director of Admission for appropriate action. Appropriate action may include, but is not limited to, holds being placed on admission or readmission to the university, and notification being sent to the individual's home institution.
9. Rescission of degrees or other academic credential(s). A degree or other academic credential(s) previously awarded may be rescinded if it is determined that the individual's actions taken to obtain the degree involved academic misconduct. The degree conferring college reserves the right to recommend to the Provost the rescission of any wrongfully obtained academic credential(s) using their own process or policies.
  - a) Written notice of the concerns and recommendation to rescind the individual's academic credential(s) shall be sent via certified mail and email with return receipt to the individual, with a hold placed on the individual's record. The individual will have 30 business days after the notice is received to respond in writing or request a hearing with the conferring college's Student Progress Committee for the undergraduate credential holder or the Graduate Council for graduate level credential holder. A recommendation by the Committee or Council to the Provost whether to rescind the academic credential(s) shall be made within 30 business days after a response is received or hearing is completed. In the absence of response, the recommendation is finalized.
  - b) A decision by the Provost shall be made within 30 business days after receiving the recommendation. The graduate has 30 business days after receiving the Committee or Council recommendation to respond, in writing, to the Provost. Notice of the decision whether to rescind the academic credential(s) shall be sent to the respondent via certified mail with return receipt. The respondent may file an appeal of this decision with the President of the University within 30 business days of receiving the notice of the decision. The President's decision will normally be made within 30 business days after receiving the appeal. In the absence of response, the action is finalized.
  - c) The Office of Registration and Records will be notified by the Provost of the results of the final decision on rescinding the academic credential(s).

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

Amended	December 2006
Amended	March 2007
Amended	January 27, 2011
Housekeeping	March 04, 2011hk
Amended	January 28, 2014
Housekeeping	June 15, 2018
Housekeeping	January 16, 2019
Housekeeping	March 24, 2021
Amended	May 13, 2022
Housekeeping	June 10, 2022
Amended	January 4, 2023



## 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](mailto:ndsuscc@ndsu.edu).

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

**Policy Number and Name:** General Educational Courses (New policy request)

**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): Please see attached memo with rationale for the new policy.

\*Update 3/12/2023– received V2 with revisions in response to the queries from the Responsible Office.

Is this a federal or state mandate:  Yes  No

This policy applies to (check all that apply):  Students  Staff  Faculty  Other (please describe):

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

Faculty Senate General Education Committee

**Date Submitted to SCC Secretary:**

3/12/2023

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

[holly.hassel@ndsu.edu](mailto:holly.hassel@ndsu.edu) and [jack.norland@ndsu.edu](mailto:jack.norland@ndsu.edu)

**NDSU's Strategic Plan Inclusivity and Diversity Goal Checklist\***. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).			x	
The <i>economic</i> impact on students, staff, faculty, others was considered.			x	
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).			x	
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).			x	
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	x			
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	x			We have circulated a feedback form to deans and chairs and the present policy has considered that feedback and defers addressing more complex curricular issues until this policy is approved.
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.	x			Yes, GEC members have shared a series of documents with college faculty.
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	x			
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.	x			
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	x			

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.

\* The President's Council for Campus Wellbeing is committed to integrating a "Health in All Policies" approach when current policies are revised and new policies are developed. Why a "Health in All Policies" approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social,



economic and environmental factors of a community influence up to 55% of a person's wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

## North Dakota State University Policy Manual

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### SECTION 3XX GENERAL EDUCATION COURSES

SOURCE: Faculty Senate General Education Committee

#### 1. Purpose

- 1.1. According to the NDSU Catalog, the purpose of general education at NDSU is to ensure that students acquire knowledge, perspectives, and skills basic to a university education. The purpose of the general education requirements at NDSU are as follows: to help students develop a base of knowledge that enhances abilities to think critically, appreciate diverse perspectives, communicate clearly, and adapt to and anticipate changes in one's profession and society. Skills fostered by the general education requirements will help students integrate and use the knowledge and perspectives they have gained to live productive, intellectually rewarding, and meaningful lives.
- 1.2. Courses approved for inclusion in the General Education program curriculum must demonstrate their appropriateness for the [General Education program](#) in relation to this purpose.

**Commented [BD1]:** What program? Does this refer to the GenED Program? unclear

**Commented [HH2R1]:** Clarified.

#### 2. Timeline

##### 2.1. Curricular Review System

- 2.1.1. The proposal submission system becomes available in early September for course submissions/revisions/revalidation submittal.
- 2.1.2. All submissions must be initiated in the workflow process prior to the Friday of spring break week.
- 2.1.2.1.3. [Course submissions should include both a complete syllabus using the approved template and a complete General Education Course Proposal Form, both available on the committees webpage.](#)

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**Commented [BD3]:** We have had a lot of feedback with a slow process that takes longer than many expect. In addition to 2.2.4 could there be a faster turnaround for a resubmission? Perhaps an expedited process?

##### 2.2. Process

- 2.2.1. Each college's curricular approval process should be followed prior to submission to the General Education Committee (see Procedures).
- 2.2.2. Members of the General Education Committee, [which meets on a biweekly basis throughout the academic year](#), will review the course proposal according to the criteria described in the below sections.
- 2.2.3. Reviewers will summarize their reviews and make recommendations to the full General Education Committee, who will then discuss the submission and vote to approve or reject the submission with recommended changes.
- 2.2.4. If changes are recommended, they will be communicated to the submitter within 2 weeks of review.
- 2.2.5. Resubmission should occur through the course management software unless otherwise noted.
- 2.2.6. Resubmission should occur within 3 weeks of receiving recommendations unless otherwise noted (e.g., if it is the end of semester, a shorter timeline will be required).
- 2.2.7. Approved submissions will be routed to the University Curriculum Committee (UCC).

**Commented [HH4R3]:** Committee meets on a biweekly basis (ADD)

**Commented [BD5]:** Could this be expanded? Since the committee changes members what are the basic or core processes that it follows? My thinking is how can we minimize each new member have their own spin on a process?

**Commented [HH6R5]:** Members rotate on a staggered basis. This is outlined in the section below on criteria

**Commented [BD7]:** Could you describe the expectations of the review committee for resubmissions? Also, is there a reasonable expectation that only declined items are reviewed on resubmission rather than the entire course? Again I have heard of issues that each resubmission will look at things that were not a problem in the original submission.

**Commented [HH8R7]:** We describe this in more detail in the criteria section

- 2.2.7.1. All revalidation requests and new submissions for general education designation must be submitted to UCC by the last week of April to ensure approval for advancement to the Faculty Senate. Courses approved at the General Education committee level are subsequently approved by the UCC via their consent agenda.
- 2.2.7.2. The final step of curricular approval is a vote of approval by the Faculty Senate.

### 3. Procedures and Responsibilities

#### 3.1. Procedures

- 3.1.1. All proposals with a General Education category designation will be reviewed for approval by the General Education Committee. A course proposal for a new course, a course undergoing substantive changes, or a course that needs revalidation will include a General Education Proposal Form, and the course's current syllabus. The form will include the current General Education Learning Outcomes (GELOs) for each general education category, and clear descriptions of assessment measures and methods that provide evidence of student learning.
- 3.1.2. Courses should follow the College-specified process for curricular review. This might include a department or program curriculum committee review, approval by the department chair or program coordinator, and/or review by a College-level curriculum committee.
- 3.1.3. Once the course has been approved for a General Education designation, courses will be revalidated for continual eligibility on a five-year rotation.

#### 3.2. Responsibilities

- 3.2.1. All general education course syllabi and course web sites must identify the course as having been approved for meeting general education requirements and include the correct and updated general education outcomes for which each course is approved (See Syllabus Requirements).
- 3.2.2. Each semester that a General Education approved course is taught the instructor(s) of the course will participate in an assessment reporting activity as determined by the General Education Committee and the NDSU Director of Assessment and Accreditation.
- 3.2.3. Courses that are submitted and not approved within four semesters of the initial revalidation due date or are not resubmitted for validation within two semesters of the initial due date will be removed from the General Education list. The General Education committee will be responsible for initiating the removal of the course from the approved General Education list.

### 4. Criteria for Approval

- 4.1. A course must articulate how students will fulfill all of the General Education Learning Outcomes for each of the category designations for which it seeks approval.
- 4.2. Appropriateness for General Education
  - 4.2.1. The general education program provides an essential foundation for students to core knowledge in multiple academic areas. General Education courses should primarily be lower division at the 100 or 200-level (See NDSU catalog, "Course Definitions and Format").
  - 4.2.2. Courses at the 300-level may be approved if documentation is provided with the proposal demonstrating: a) the curricular need to number the course at the 300-level, b) that students with limited prior college coursework can be successful in the course. Courses at the 400-level are not appropriately designated as General Education courses.
  - 4.2.3. Approved courses for a particular GE category must ensure that students have the opportunity to learn and develop the knowledge and skills described in the GELOs for

their GE category, and that there is a reasonable and appropriate method for assessing those outcomes. Approved courses will:

- 4.2.3.1. Ensure that the knowledge and skills described in the GELOs are developed;
- 4.2.3.2. Demonstrate clear alignment between what students are learning and the GELOs;
- 4.2.3.3. Explain in proposal materials a reasonable and appropriate assessment approach for determining whether students have achieved a GELO, for example, a task that students complete, such as a paper, project, portfolio, presentation, performance, etc.

## 5. General Policies

### 5.1. Requirements

- 5.1.1. General education courses may be used to satisfy requirements for both general education requirements and the major, minor, and program emphases, where applicable and except where explicitly prohibited by a department. General Education courses should be suitable for non-major students.
- 5.1.2. No General Education course will be approved for two category designations with the exception of additional designators: Cultural Diversity (D) and Global Perspectives (G). Courses in the other General Education categories may include a (D) or (G) designation that indicates such emphases.

### 5.2. Other situations

- 5.2.1. General education requirements can be met with credit earned through the transfer of equivalent coursework, credit by examination (such as CLEP), or the NDSU course challenge process.
- 5.2.2. A student who has completed an associate of arts or an associate of science degree in the United States or Canada at a regionally accredited institution and who transfers to NDSU or who pursues a second baccalaureate degree at NDSU is considered to have completed **his or her** lower-division general education requirements at NDSU. Transfer student coursework from outside the United States and Canada will be evaluated on a course-by-course basis.
- 5.2.3. General education courses at other accredited institutions, which do not have equivalent courses or general education status at NDSU, may be accepted in transfer as part of the general education requirements at NDSU.

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HISTORY:

New

**Commented [BD9]:** Is this statement just to exclude upper-division writing? What about a second baccalaureate degree with GenED 300 course (4.2.2) that met a Category for their 1<sup>st</sup> degree but is now not counted?

**Commented [HH10R9]:** We are following the recommendation of the CWPA consultant evaluators who indicated that one way to smooth transfer is to clarify that this refers to students who have completed their General Education requirements elsewhere, regardless of which level. We are interested in eliminating potential barriers for transfer students. Since upper-division writing is a component of Gen Ed, we are proposing students' Gen Ed requirements are complete if they have fulfilled them elsewhere regardless of whether they exactly match those of NDSU.

**Commented [HH11R9]:** Strikethrough/delete "Lower"

## 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@ndsus.edu](mailto:ndsuscc@ndsus.edu).

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

**Policy Number and Name:** NDSU Policy 322. Equitable and Transparent Faculty Workloads

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 goal of this policy is to establish a university-level equitable workload policy. The policies primary function is to set the expectation that each unit must establish a unit-specific equitable workload policy in the near future. In addition, the proposed policy provides some basic guidelines about what type of information should be included in each unit's equitable workload policy.**

**June 2023: Added expectations about number of courses taught per semester to Section 7. Expectation**

Is this a federal or state mandate:  Yes  No

This policy applies to (check all that apply):  Students  Staff  Faculty  Other (please describe):

Individual/Department/Committee or Organization submitting the policy change: Office of the Vice Provost for Faculty Affairs and Equity

Date Submitted to SCC Secretary: 6/9/2023

Email address of the person who should be contacted if revisions are requested: Erin.Gillam@ndsus.edu

**NDSU’s Strategic Plan Inclusivity and Diversity Goal Checklist\***. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

<b>Checklist items</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	X			Equitable workload for faculty is a key component of a healthy workplace
The <i>economic</i> impact on students, staff, faculty, others was considered.	X			
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).	X			
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).	X			More equitable workloads among faculty in a unit should support improved mental health.
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).				
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	X			Input from the Faculty Affairs Committee was sought and incorporated into the policy
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.		X		
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	X			
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.	X			
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	X			

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.

\* The President’s Council for Campus Wellbeing is committed to integrating a “Health in All Policies” approach when current policies are revised and new policies are developed. Why a “Health in All Policies” approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person’s wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

# North Dakota State University

## Policy Manual

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### SECTION 322

#### EQUITABLE AND TRANSPARENT FACULTY WORKLOADS

SOURCE: NDSU Office of the Vice Provost for Faculty Affairs and Equity

Faculty perform a wide variety of tasks determined by the requirements of their discipline and by the mission of the University. The purpose of this policy is to establish a fair, equitable, and transparent allocation of workload among all non-administrative faculty, including part-time faculty. This policy sets the expectation that academic units will develop and maintain a workload assignment plan that is tailored to their unit and recognizes the types of teaching, research/creative activity, and service duties performed by faculty within their unit.

1. *Definitions.*
  - 1.1 *Teaching and Advising.* Faculty teaching and advising workload includes formal classroom instruction, from undergraduate through graduate levels; course preparation and curriculum development and improvement; laboratory, studio, office, and clinical contact hours; informal non-classroom teaching; undergraduate and graduate student academic, research, and career advising and mentoring; internship, student research, graduate assistant, and postdoctoral fellow supervision; and professional development.
  - 1.2 *Research and Creative Activity.* Faculty scholarly activity workload includes research and/or creative activities as specified under Policy 352.
  - 1.3 *Service.* Faculty service workload includes internal service, or work on behalf of colleagues, students, and University units; external service activities performed by faculty on behalf of the general public; and professional activities.
2. Each academic unit will develop a typical workload assignment plan for faculty teaching, research/creative activity, service and administrative assignments consistent with this policy. The development of the unit workload assignment plan will be a collaborative effort between faculty and unit administration.
3. *Unit baseline.* Each unit will define the percentage of workload associated with specific teaching, research/creative activity, and service duties. Each unit will define the baseline requirements to meet % effort for research/creative activity, teaching, and service based on the multiple components comprising these activities listed in Section 1. Units should consider that not all assignments for a specific type of activity are equal. For example, % teaching load defined for a course may vary based on the course enrollment size and level of support.
4. All academic unit workload assignment plans must be approved by its faculty and dean. The departmental workload assignment plans shall be reviewed and approved by the Office of the Provost/Faculty Affairs to assure consistency with this policy.

5. *Equitable Workloads.* Unit workload assignment plans and practices shall assure that full-time faculty have rank-appropriate, comparable workloads. When inequitable workloads arise, it shall be the responsibility of the dean to work with the unit to rectify the inequality.
6. *Minimum load.* A minimum workload should be established for all possible types of faculty appointments within the unit, including tenure-track faculty (assistant, associate, and full professors), lecturers, senior lecturers, professors of practice (assistant, associate, and full), and research professors. It is important to note that faculty teaching and service expectations increase with faculty rank, with full professors typically engaging in more teaching and service activities.
  - 6.1 *Exceptions.* Faculty granted child-bearing leave or modified duties under Policy 320 and those provided disability accommodations under Policy 168 are exempt from minimum workload requirements.
7. *Expectation.* The University expects tenure-line faculty to normally maintain an average workload of teaching two courses per semester, 45 percent teaching (and advising, and curriculum development), 45 percent research, and 10 percent service. The University recognizes that the specific contributions of tenure-line faculty members to a unit's mission may vary depending on individual strengths, career stage, performance, or unit needs. Accordingly, the University permits differential allocation of effort in response to changing circumstances for faculty members or units.
8. *New hires.* Academic units should include in their workload assignment plan what the teaching, research/creative activity, and service loads will be for new hires. Newly hired faculty in tenure-track positions, who are not hired with tenure, shall receive a reduction of at least one three-credit course (or its equivalent in teaching activities identified in Section 1) within their first two years of appointment.
9. *Course cancellations.* Minimum course enrollments for undergraduate and graduate courses are set by the Office of the Provost (<https://www.ndsu.edu/provost/>). Each unit's workload assignment plan should include a list of potential options for faculty if a course is cancelled due to low enrollment. This plan can include assigning tasks related to teaching, mentorship, and outreach beyond classroom instruction.
10. For 9-month faculty, summer and overload teaching assignments are not considered part of the academic year workload assignment. Faculty assigned additional teaching responsibilities during the summer must be compensated by means of a summer contract, a supplemental contract, or in exceptional circumstances, load adjustment during the academic year.
11. Overload assignments must be approved by unit head and dean. Faculty with overload assignment contracts must continue to fulfill load obligations.
12. *Reassignment of load.* The unit workload assignment plan shall include the circumstances that justify, and the process for addressing, variation from the typical workload for faculty.
13. *Joint or shared appointments.* For faculty who hold joint or shared appointments, care must be taken to ensure that their teaching, research/creative activity, and service workload is commensurate with that of faculty on single appointments in corresponding disciplines. Workloads would typically be assigned by the primary unit (where the majority of the appointment is assigned) with input from the secondary unit. The unit leaders of the primary and secondary

appointment must collaborate on and document the workload assignment for faculty with joint or shared appointments.

14. *Course buy-out.* With approval of unit head, a faculty member may use grant funds to buy out from their teaching load. The cost of the buyout is equal to the faculty member's salary times the proportion of the workload that is bought out. However, teaching load for individual faculty may not fall below the equivalent of six-credits per academic year. This minimum incorporates teaching activities beyond course instruction. For example, mentoring of graduate students could count towards this credit minimum. Request for course buy-out is normally made when course assignments are being developed during the academic year preceding the buy-out. Any buy-out should be reflected in an update to the faculty member's workload and position description.
    - 14.1. Part-time faculty hired to meet unit teaching obligations should receive equitable compensation and benefits consistent with AAUP recommendations.
    - 14.2. Graduate students assigned to meet unit teaching obligations should receive equitable compensation commensurate with unit graduate assistantship stipends.
  15. Appeals of individual workload assignments are made by requesting a reconsideration first by the unit head, then by the college dean. If not satisfied, after consultation with Office of the Provost/Faculty Affairs, the faculty member may initiate the grievance process pursuant to Section 353 of the Policy Manual.
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HISTORY:

New