

Meeting Agenda

November 13, 2023

- I. Call to Order.
- II. Adoption of the Agenda.
- III. Approval of Meeting Minutes from October 9, 2023.
- IV. Announcements.
 1. David Cook, President
 2. David Bertolini, Provost
 3. Warren Christensen, Faculty Senate President
 4. Erin Gillam, Faculty Senate Past-President
 5. Jeremy Jackson, Faculty Senate President-Elect
 6. Kristi Steinmann, President of Staff Senate
 7. Kaylee Weigel, President of Student Government
 8. Philip Hunt, Registrar
 9. Shar Kurtz, IT reporting on auto-created courses in Blackboard
- V. Committee and Other Reports.
- VI. Consent Agenda.
 1. UCC Report (pending)
 2. Policy 152.2 - MEMBERSHIP IN PROFESSIONAL AND SERVICE ORGANIZATIONS
- VII. General Order.
 1. Policy 103 - EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENINGS
- VIII. Unfinished Business.
 1. Policy 322 - EQUITABLE AND TRANSPARENT FACULTY WORKLOAD*
 2. Policy 326 - ACADEMIC MISCONDUCT
 3. Policy 601 - RIGHTS AND RESPONSIBILITIES OF COMMUNITY: A CODE OF STUDENT CONDUCT
 4. Vote of No Confidence in the Cook Administration
- IX. New Business.
 1. Revision of Faculty Senate Bylaws
 2. Resolution for Initiating an Immediate National Search for a Provost
 3. Resolution of Articulated Actions for Ensuring Shared Governance
- X. Open Discussion.
- XI. Adjournment.

* Policy 322 has an open Motion to Approve (and second) on the floor of the Faculty Senate.

Meeting Minutes

October 9, 2023

- I. Call to Order
 - Meeting called to order at 3:01pm
- II. Attendance
 - Mullet substituting for Philbrick
 - Slater substituting for McGrath
 - Yan substituting for Matthew
 - Selekwa substituting for Jeong
- III. Adoption of the Agenda
 - MOTION to Adopt the Agenda (Magel/Hearne)
 - MOTION to Add a Vote of No Confidence of Cook Administration to New Business (Andrianova/ Kryjevskaja)
 - Slater ⇒ requests vote of no confidence be tabled because have not had a chance to talk to their constituents
 - Motion passes (24 AYE; 14 NAY; 3 ABSTAIN)
 - See Appendix 2 Q1 for voting results
 - MOTION to Adopt the Agenda passes
 - Motion passes (38 AYE; 0 NAY; 1 ABSTAIN)
 - See Appendix 2 Q 2 for voting results
- IV. Approval of Meeting Minutes from September 11, 2023
 - MOTION to Approve the Meeting Minutes from 9/11/23
 - MOTION passes unanimously
- V. Announcements
 1. David Cook, President
 - Brief announcements from President given by Provost Bertolini
 2. David Bertolini, Provost
 - Brief announcements
 - Magel: Question about when final department budgets will be sent out
 - Bertolini: All colleges have their budget
 3. Warren Christensen, Faculty Senate President
 - Brief thanks to all of the work people have been doing in the last month and the many thoughtful conversations that have been had
 - Encouraged everyone to listen to each other's ideas, even if you disagree
 - Kryjevskaja: Asked about results of faculty survey
 - Christensen: Plan to work through those results this week and

distribute as soon as possible

4. Anastassiya Andrianova, Faculty Senate Past-President
 - Reading of Andrianova's resignation letter
 - Christensen announced appointment of Gillam as Past President
5. Jeremy Jackson, Faculty Senate President-Elect
 - Thanked Andrianova for her service and input
6. Fred Hudson, Past President of Staff Senate
 - Thanked Andrianova
 - Talked about Staff Senate meeting last week
7. Kaylee Weigel, President of Student Government
 - Homecoming was successful
 - Students do not have strong opinions on issues happening on campus
 - Hearne: Policy 601 - concerned that students are supposed to report academic misconduct of other students – asked about student viewpoint on that issue
 - Weigel: Students were not concerned; this is considered standard operating policy among the students
8. Philip Hunt, Registrar
 - Commencement information now available
 - Spring and Summer 2024 schedules live
 - Spring and Summer registration dates now separate
 - Student Course Schedule Satisfaction Survey being launched on Sunday, October 22nd
 - Nelson: How many courses were cancelled this semester because of low enrollment?
 - Not known reason for course cancellation not given when cancellation reported
 - McWood: Will survey asked about modality (online, face-to-face, etc)?
 - Hunt - Yes, that will be included
 - Gao: Asked about why the registration dates were chosen
 - Moved registration dates back on feedback from last year
 - Can adjust in the future if the February date does not work

VI. Committee and Other Reports

- No reports for consideration

VII. Consent Agenda

~~1. UCC Report (pending)~~

~~2. Confirmation of Dr. Erin Gillam as Faculty Senate Secretary~~

3. Confirmation of Standing Committees

- MOTION to Accept the Consent Agenda with Only Item #3 (Smith/Roberts)
 - MOTION passes (41 AYE; 0 NAY; 0 ABSTAIN)
 - See Appendix 2 Q 3 for voting results

VIII. Special Order

1. Setting Faculty Senate Priorities
 - i. Diversity, equity, and inclusivity
 - MOTION to adopt (Roberts/Jackson)
 - Christensen: Clarification that these priorities are NOT ranked
 - Andrianova: Recommend sending to DEI committee and request committee report in Spring 2024
 - MOTION to Adopt Priority and Refer to DEI Committee (Andrianova/Gold)
 - MOTION passes unanimously
 - ii. Faculty recruitment, retention and well-being
 - MOTION to Adopt (Roberts/Jackson) and Refer Priority to Faculty Affairs and PCCWB (Roberts/Boonstoppel)
 - MOTION passes unanimously
 - iii. Student recruitment and retention
 - MOTION to adopt (Smith/Magel)
 - Gao: suggests adding “well-being” to priority
 - Hearne: If we don’t have deliverable actions for this priority, then we should eliminate
 - McWood: Not clear what committee would take this on
 - Christensen identified how it was assigned in 2022
 - Andrianova: Suggests not approving this priority due to high faculty workload
 - Smith: Student well-being and faculty well-being are linked, volunteered to be liaison for President’s Council
 - Kilina: suggestion to create a separate priority for “Faculty and Student Well-Being”
 - MOTION to Amend: Friendly amendment to change to “Student, recruitment, retention and well being” (Gao/Roberts)
 - MOTION passes unanimously
 - MOTION to adopt priority passes (37 AYE; 2 NAY; 2 ABSTAIN)
 - See Appendix 2 Q4 for voting results
 - iv. Shared governance
 - MOTION to approve (Huseynov/Boonstoppel)
 - Nelson: recommended formation of an ad hoc committee
 - Boonstoppel: asked for clarification on objectives of such an ad hoc committee
 - Ross: Recommended reading of Red Book of AAUP to understand what shared governance really means
 - Suggest reviewing report from joint group of governance that came out ~ 2 years ago
 - Andrianova: recommended 2 members from each of the governing bodies, with a charge of reviewing shared governance structure and

- goals at NDSU
 - Jackson: some shared governance issues are more specific to faculty (and not staff or students)
 - MOTION passes unanimously
 - v. By-laws modification
 - Christensen gave background on reasons why bylaws need to be modified in this academic year
 - MOTION to approve (Secor/Andrianova)
 - Selekwa: suggest "and Constitution" be added to priority
 - No action taken
 - MOTION passes unanimously
- IX. MOTION to Suspend the Rules and Move Directly to New Business (Andrianova/Selekwa)
- Christensen: clarification that abstaining does not count as a vote casted towards the required 2/3 majority
 - MOTION Fails (15 AYE; 20 NAY; ABSTAIN 6)
 - See Appendix 2 Q5 for voting results
- X. General Order
1. Policy 103 – Equal Opportunity/Affirmative Action Policy on the Announcement of Position Openings
 - MOTION to Approve is already on the table from Sept 11 2023 meeting
 - Hong: Is there flexibility in the policy to account for sudden departures of faculty?
 - Denton: Would need a presidential exception
 - Revision of policy says that a record of presidential exceptions needs to be kept at the university level
 - Smith: Clarification on how revisions impact postdocs
 - Denton: Permits internal decision within department to make an exception for hiring a postdoc
 - Boonstoppel: Section 2.4 – no information about how administrators are handled for presidential exceptions
 - Denton: was not in original policy and committee did not consider adding that
 - Christensen: policy is going back to committee due to approved changes from Staff Senate
 - Kilina: Asked for clarification about how postdoctoral exception is different from the standard process for hiring postdocs
 - Fowler: Difference is that there is no 20-day recruitment period
 - Kilina requested clarification of this point
 - MOTION to Postpone (Roberts/McWood)
 - Motion passes unanimously
 2. Policy 322 – Equitable and Transparent Faculty Workload Policy

- MOTION to Approve (Roberts/McWood)
- Gillam introduced background on Policy 322

XI. Adjournment

- MOTION to Adjourn (Ross/Vold)
- Meeting adjourned at 4:31pm

APPENDIX 1: October 9 2023 Faculty Senate Attendance

Last Name	First Name	Oct 9
Akhmedov	Azer	X
Ambrosio*	Tom	
Amiri	Ali	X
Andrianova	Anastassiya	X
Barabanov*	Nikita	
Benna	Justin	
Benton	Brad	
Boonstoppel	Sarah	X
Choi	Bong-jin	X
Choi	Juwon	
Christensen	Warren	X
Gao	Jerry	X
Gillam	Erin	X
Haug	Karla	X
Hearne	Robert	X
Hershberger	John	
Hong	David	X
Huseth-Zosel	Andrea	X
Huseynov	Fariz	X
Jackson	Jeremy	X
Jeong	Inbae	X
Kilina	Svetlana	X
Kirkpatrick	Sarah	X
Kryjevskaja	Mila	X
Larson	Jamee	X
Law	Quincy	X
Li	Jin	X
Magel	Ken	X
Mathew	Febina	X
Mataic	Dane	X
Matthew	Sijo	X
McGrath	Ryan	P
McWood	Leanna	X
Nelson	Kjersten	X
Peltier	Allison	
Philbrick	Candace	P
Rahman	Mukhlesur	X
Rao	Jiajia	X
Roberts	David	X
Ross	Darrell	X
Secor	Gary	X
Smith	Matthew	X
Steig	Jayne	X
Sun	Rex	X
Tangen	Jodi	X
Travers	Steve	X
Vold	Jessica	X
Wood	Scott	X
Wu	Xiangfa	X

APPENDIX 2: October 9 2023 Faculty Senate Voting Record

Last Name	First Name	Q1	Q2	Q3	Q4	Q5
Akhmedov	Azer	AYE	AYE	AYE	AYE	AYE
Ambrosio	Thomas	-	-	-	-	-
Andrianova	Anastassiya	AYE	AYE	AYE	NAY	AYE
Benna	Justin	NAY	AYE	AYE	ABSTAIN	AYE
Benton	Bradley	NAY	AYE	AYE	AYE	NAY
Boonstoppel	Sarah	NAY	AYE	AYE	AYE	NAY
Choi	Bong-Jin	AYE	-	AYE	AYE	AYE
Gao	Jerry	ABSTAIN	ABSTAIN	AYE	AYE	ABSTAIN
Haug	Karla	AYE	AYE	AYE	AYE	NAY
Hearne	Robert	NAY	AYE	AYE	NAY	AYE
Hong	Yongtao	AYE	AYE	AYE	AYE	NAY
Huseth-Zosel	Andrea	NAY	AYE	AYE	AYE	NAY
Huseynov	Fariz	AYE	AYE	AYE	AYE	ABSTAIN
Jackson	Jeremy	NAY	AYE	AYE	AYE	NAY
Kilina	Svetlana	AYE	AYE	AYE	AYE	AYE
Kirkpatrick	Sarah	NAY	AYE	AYE	AYE	NAY
Kryjevskaja	Mila	AYE	AYE	AYE	AYE	AYE
Larson	Jamee	NAY	AYE	AYE	AYE	NAY
Law	Quincy	ABSTAIN	AYE	AYE	AYE	ABSTAIN
Li	Jin	AYE	-	AYE	AYE	NAY
Magel	Kenneth	AYE	AYE	AYE	AYE	AYE
Mataic	Dane	NAY	AYE	AYE	AYE	NAY
Mathew	Sijo	AYE	AYE	AYE	AYE	NAY
McWood	Leanna	AYE	AYE	AYE	AYE	NAY
Mullet (Substitute)	Natira	AYE	AYE	AYE	AYE	NAY
Nelson	Kjersten	NAY	AYE	AYE	AYE	NAY
Rahman	Mukhlesur	AYE	AYE	AYE	AYE	ABSTAIN
Rao	Jiajia	AYE	AYE	AYE	AYE	AYE
Roberts	David	AYE	AYE	AYE	AYE	AYE
Ross	Darrell	NAY	AYE	AYE	AYE	NAY
Secor	Gary	AYE	AYE	AYE	AYE	NAY
Selekwa (Substitute)	Majura	AYE	AYE	AYE	AYE	AYE
Slater (Substitute)	Kelsey	NAY	AYE	AYE	AYE	NAY
Smith	Matthew	NAY	AYE	AYE	AYE	NAY
Steig	Jayne	NAY	AYE	AYE	AYE	NAY
Sun	Xin	AYE	AYE	AYE	AYE	ABSTAIN
Tangen	Jodi	ABSTAIN	AYE	AYE	AYE	ABSTAIN
travers	Steven	AYE	AYE	AYE	ABSTAIN	AYE
Vold	Jessica	AYE	AYE	AYE	AYE	AYE
Wood	Scott	AYE	AYE	AYE	AYE	NAY
Wu	Xiangfa	AYE	AYE	AYE	AYE	AYE
Yan (Substitute)	Guiping	AYE	AYE	AYE	AYE	AYE

Policy Change Cover Sheet

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

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

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

Policy Number and Name: 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

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

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

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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

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.

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@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			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

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.
-

HISTORY:

New

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 ndsu.scc@ndsu.edu.

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

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

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.¹ Because misconduct in scholarly inquiry, including the improper expenditure of funds, threatens the confidence in the academic endeavor, it is the responsibility of the University to foster an academic environment that discourages misconduct in all endeavors of scholarly activity and to develop policies and procedures to deal forthrightly with possible misconduct associated with scholarly activity.
- 1.3 These policies and procedures deal with academic misconduct and define a process to report, review, investigate, and resolve, allegations of academic misconduct. They are directed toward governing behaviors to maintain integrity in the pursuit of scholarly, academic activities, and they are consistent with the principle of self-regulation in maintaining integrity in scholarly inquiry.²

2. APPLICABILITY

- 2.1 These policies are applicable to all persons employed at NDSU and associated with NDSU through academic activities. 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.³
- 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](#)).

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

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

HISTORY:

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. 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 or 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:**

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			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

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

SOURCE: NDSU President

Table of Contents

1.	Introduction.....	7
1.1	General NDSU Values.....	7
1.2	General Complaint Procedures.....	8
1.3	Authority.....	8
1.4	Individuals Covered Under this Code.....	6
2.	Community Expectations	10
2.1	General Student Responsibilities	10
2.2	Responsible Action Expectations.....	10
2.3	Student Conduct Communication.....	11
3.	Prohibited Conduct	11
3.1	Violations of Law.....	11
3.2	Passive Participation/Complicity in Prohibited Acts.....	11
3.3	Attempts to Commit Prohibited Acts.....	11
3.4	Alcohol on NDSU Property.....	12
3.5	Off Campus Alcohol	12
3.6	Drugs Other Than Alcohol.....	12
3.7	Conduct While Under the Influence of Alcohol or Other Drugs.....	12
3.8	Alcohol at Student Organization Events.....	12
3.9	Advertising Related to Alcohol	13
3.10	Smoking.....	14
3.11	Animals	14
3.12	Intellectual Property Infringement	14
3.13	Use of NDSU's Name or Trademark	14
3.14	Sale of Class Lecture Notes/Materials.....	14
3.15	Misuse of Proprietary Information	14
3.16	Computer Related Conduct	14
3.17	Deception/Falsification/Misrepresentation	15
3.18	Financial Aid Misuse.....	15
3.19	Disruption or Obstruction of University Business.....	15

3.20	Failure to Comply	15
3.21	Identification	15
3.22	Bribery.....	15
3.23	Arson.....	15
3.24	Burglary.....	16
3.25	Robbery.....	16
3.26	Motor Vehicle Theft.....	16
3.27	Theft of Property	16
3.28	Theft of Services	16
3.29	Possession of Stolen Property	16
3.30	Vandalism	16
3.31	Trespassing.....	16
3.32	Unauthorized Sales, Solicitations, and Distribution of Materials	16
3.33	Traffic Safety and Parking Regulations.....	17
3.34	Unauthorized Entry/Use of Facilities	17
3.35	Intimidation.....	18
3.36	Unwanted Physical Contact	18
3.37	Physical Assault	18
3.38	Instigation/Provocation	18
3.39	Community Disturbances	18
3.40	Discrimination, Harassment, and Retaliation.....	18
3.41	Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Compliance.....	19
3.42	Other Acts of Harassment.....	19
3.43	Stalking.....	20
3.44	Lewd or Obscene Conduct.....	20
3.45	Endangerment of Individuals.....	20
3.46	Hazing.....	20
3.47	Sporting Activity Restrictions	21
3.48	Firearms/Explosives/Weapons	21
4.	Student Organizations/Activities	21
4.1	Responsibilities of Student Organizations and Affiliated University Groups.....	21
4.2	Student Organizations and Affiliated University Group Compliance with University Policy	22
4.3	Conduct Resolution and Enforcement Procedures.....	22
4.4	Recognition	22
4.5	Membership.....	23
4.6	Registration Requirements.....	23
4.7	National/International Affiliated Organizations	24

4.8	On and Off Campus Activities/Events.....	24
4.9	Memberships.....	24
5.	Procedures.....	25
5.1	Reporting and Investigating Complaints.....	27
5.2	Reporting Alleged Code Violations.....	27
5.3	Student Advisor Options.....	28
5.4	Investigation.....	28
5.5	Interim or Remedial Measures.....	29
5.6	Right to Entry.....	29
5.7	Notice of Alleged Violations.....	30
5.8	Prehearing Conference.....	30
5.9	Administrative Conduct Hearings.....	30
5.10	Default Proceedings and Unresolved Alleged Code Violations.....	31
5.11	Student Organizations in Default.....	32
5.12	Conflicts of Interest.....	32
5.13	Standard of Proof.....	32
5.14	Witnesses/Witness Statements.....	32
5.15	Evidence.....	33
5.16	Self Incrimination.....	33
5.17	Closed Hearings.....	33
5.18	Appeals.....	33
6.	Hearing Procedures for Suspension or Expulsion Cases.....	33
6.1	Introduction.....	33
6.2	Case Presentation and Response.....	34
6.3	Questioning of Witnesses and Parties.....	34
6.4	Closing Statements.....	34
6.5	Notice of Decision.....	34
7.	Sanctions and Conditions.....	34
7.1	Sanctions.....	35
7.2	Conditions.....	37
8.	Appeal Procedures.....	38
8.1	Deadline for Appeals.....	38
8.2	Appeal Documentation.....	38
8.3	Emergency Provisions.....	39
8.4	Review.....	39
8.5	Appeal Advisory Board.....	39
8.6	Appeal Decision.....	39

9.	Special Circumstances and Conditions	40
9.1	Registration/Graduation Hold	40
9.2	Returning and/or New Students.....	40
9.3	Rehearing Requests for Cases Resulting in Suspension or Expulsion	40
9.4	Temporary Emergency Suspension	40
9.5	Administrative Withdrawal	41
9.6	Negotiated Withdrawal	41
9.7	Crimes of Violence	41
10.	Conduct Records.....	42
10.1	Disclosure	42
10.2	Retention and Destruction.....	42

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@ndsu.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](#).

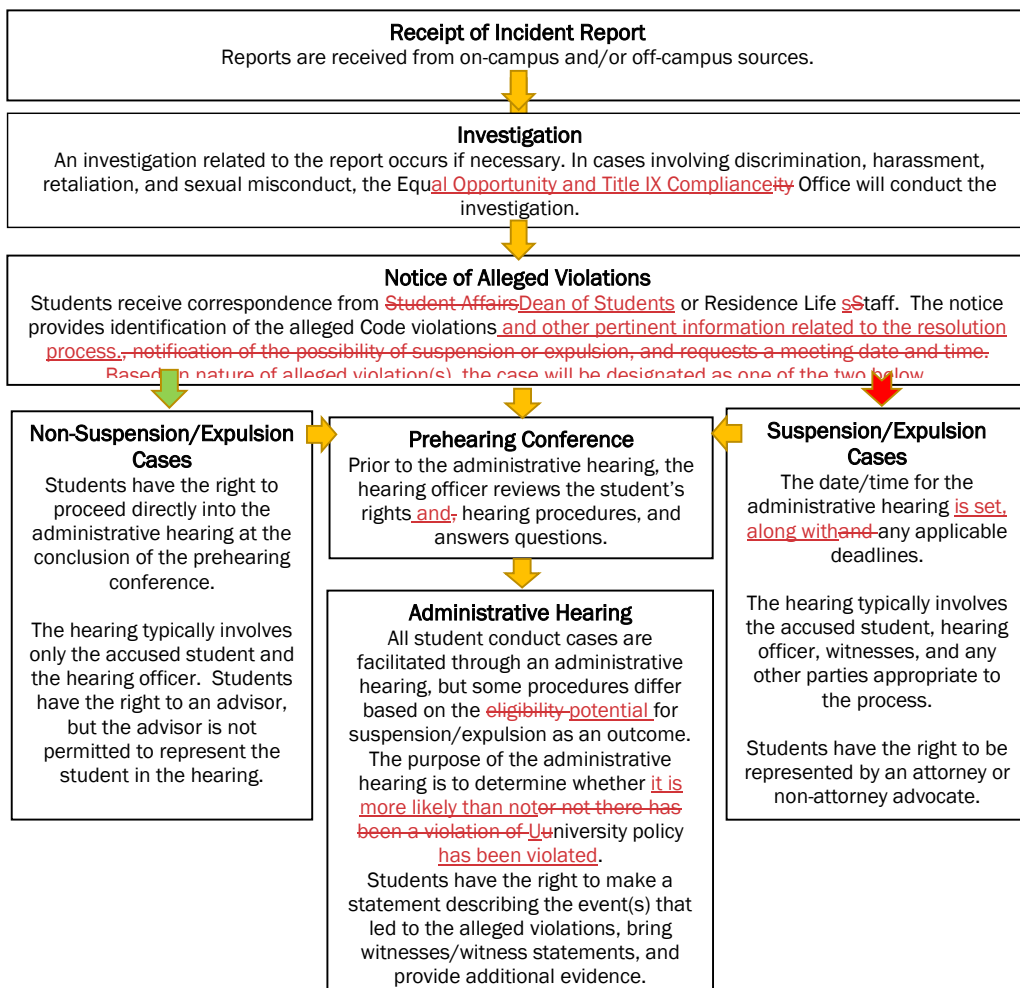
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Resolution of Code of Student Conduct Violations Flowchart





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

Department of Residence Life
West Bison Court
701-231-7557
nds.residence.life@nds.edu

Equal Opportunity and Title IX Compliance
Old Main 201
701-231-7708
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 ~~Q~~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~~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.

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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

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

Resolution for Initiating an Immediate National Search for a Provost

RATIONALE:

WHEREAS the Provost was appointed to a three-year permanent position without a national search, bypassing Equal Opportunity components of NDSU Policy 103; and

WHEREAS the Provost's past performance in leadership positions, including performance as Dean of AHSS, was not systematically reviewed with regard to the Provost's position by a search committee before the appointment; and

WHEREAS the manner in which the current Provost has handled a number of issues, including college restructuring, elimination of departments and tenured faculty, elimination of the Vice Provost for Faculty Affairs and Equity position, and reorganization of the Provost's office, has caused a lack of trust in the Provost by the faculty; and

WHEREAS the President, stated in a campus email of October 7, 2022, "*I am committed to conducting an effective national search for a permanent provost.*"

RESOLUTION:

THEREFORE BE IT RESOLVED that, in an effort to rebuild trust and regain faculty and staff support, President Cook is urged to initiate a national search for a Provost immediately; and

BE IT FURTHER RESOLVED that President Cook is urged to pause reorganization, including the EO/Title IX Office, until a new Provost is appointed.

Adopted by the NDSU Faculty Senate on November XX, 2023.

RESOLUTION OF ARTICULATED ACTIONS FOR ENSURING SHARED GOVERNANCE

WHEREAS NDSU Administration has a history of making decisions without consulting faculty, which impairs faculty productivity and lowers morale for many;

WHEREAS The President is in charge of ensuring Shared Governance according to SBHE 305.1.4.a and NDSU Shared Governance Guiding Principles;

WHEREAS A recent Ad Hoc Committee on Shared Governance with representatives from students, staff, faculty and administration produced a document defining shared governance, but the document seems insufficient to impact actions;

WHEREAS a successful University creates a positive and thriving environment for students, staff, and faculty, which is built on transparency and accountability in communications;

WHEREAS President Cook and Provost Bertolini have articulated an interest in improving Faculty-Administration relationships and a commitment to Shared Governance;

THEREFORE BE IT RESOLVED that President Cook, Provost Bertolini and other administrators, as appropriate, work with Student Government Leadership, Staff Senate Leadership and Faculty Senate Leadership to articulate future and consistent actions and policies to ensure Shared Governance at North Dakota State University,

BE IT FURTHER RESOLVED that these actions should include, but are not limited to: 1) an expansion of the Inner-circle of Administration Leadership to include Student, Staff, and Faculty Leadership voices, 2) a beginning-of-academic-year and an end-of-academic-year summit on Shared Governance to reflect on the past year and plan for the coming year, and 3) a commitment to more regular communication with faculty, including email updates and open forums.