

**Meeting Agenda**

December 11, 2023

- I. Call to Order.
- II. Adoption of the Agenda.
- III. Approval of Meeting Minutes from November 13, 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. Kathryn Kloby, VP of Communications & Marketing
- V. Committee and Other Reports.
  1. General Education Committee Report
  2. Commission on the Status of Women Faculty Report
- VI. Consent Agenda.
  1. UCC Report
- VII. General Order.
  1. Policy 103 - EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENINGS
- VIII. Unfinished Business.
  1. Policy 601 - RIGHTS AND RESPONSIBILITIES OF COMMUNITY: A CODE OF STUDENT CONDUCT
  2. Revision of Faculty Senate Bylaws
  3. Resolution for Initiating an Immediate National Search for a Provost
  4. Resolution of Articulated Actions for Ensuring Shared Governance
- IX. New Business.
  1. Charge for Ad Hoc Committee on Policy 352
    - i. The Faculty Senate hereby charges the Ad Hoc Committee on Policy 352 to draft changes for Policy 352 as they pertain to post tenure review. After a recent evaluation, we understand that the language across units (departments/schools/colleges/etc) pertaining to post tenure review could use some clarification and specificity. We ask that you develop policy changes that are commensurate with our peer institutions as identified on the OIRA NDSU Website. We request that the policy changes provide a

framework for colleges and units to follow that could include timing, procedural steps to consider, examples of causes for post-tenure review and possible actions. As we work to more equitable practices across campuses, we want to ensure that faculty are treated fairly and equitably across units.

2. Creation of Ad Hoc Committee on Policy 322 Equitable Workload
  - i. This Ad Hoc Committee will work with Faculty Fellow Erin Gillam and Provost Bertolini to refine the Equitable Workload Policy (Policy 322) based on Feedback from Faculty Senate and the Faculty. 1 representative from each of the previously existing Colleges will be sought to populate this Ad Hoc Committee along with Dr. Gillam and Provost Bertolini.
- X. Open Discussion.
- XI. Adjournment.

**Faculty Senate Meeting Minutes**

November 13, 2023

- I. Call to Order
  - Motion to called to order at 3:01pm
- II. Substitutions
  - Degges for Choi
  - Friskop for Secor
- III. Adoption of the Agenda (moved, seconded)
  - MOTION to Enter Executive Session (Gillam/Smith)
    - Gillam provided explanation of reasoning for entering Executive Session
      - Motion to Rescind the Addition of the Vote of No Confidence on the Cook Administration from the Agenda will be made
    - MOTION Passes (28 AYE; 2 NAY; 4 ABSTAIN)
      - See Q1 in Appendix 2 for voting record
  - MOTION to Rescind the Addition of the Vote of No Confidence on the Cook Administration from the Agenda (Gillam/Haug)
    - Discussion followed,
    - MOTION to Conduct a Ballot Vote (Huseynov/Magel)
      - Discussion followed,
      - MOTION Passes (32 AYE; 3 NAY; 4 ABSTAIN)
        - See Q2 in Appendix 2 for voting record
      - MOTION Passes
    - MOTION to Rescind the Addition of the Vote of No Confidence on the Cook Administration from the Agenda Passes (35 AYE; 4 NAY; 0 ABSTAIN)
      - No record of voting tally collected due to Ballot Vote
  - MOTION to Exit Executive Session (Gillam/Steig)
    - MOTION Passes (38 AYE; 0 NAY; 1 ABSTAIN)
      - See Q3 in Appendix 2 for voting record
    - MOTION Passes
  - MOTION to Remove Policy 152.2 from the Consent Agenda (Vold/Steig)
    - Motion approved by unanimous consent
  - MOTION to Adopt the Consent Agenda (Gillam/Jackson)
    - Ross ⇒ concern that faculty senate officers can vote even though they do not represent a unit on campus
    - Amiri ⇒ Officers have the right to vote under Robert's Rules of Order
    - MOTION passes with unanimous consent

## IV. Approval of Meeting Minutes from October 9, 2023

- Correction of attendance for Benton (marked absent but was present)

## V. Announcements

- David Cook, President
  - Announcement of tuition support program
  - Announcement about the new engineering building
    - Gao ⇒ do fundraising efforts come from the college or the university?
    - Cook ⇒ donations can come from any source
- David Bertolini, Provost
  - Sent a Campus Conversations email this morning
  - Position description out for VP of Access and Opportunity
  - Provide feedback to Tom Ambrosio, chair of the ad hoc post-tenure review committee, about ways that post-tenure reviews are conducted in your unit
  - Strategic enrollment management plan being developed
- Warren Christensen, Faculty Senate President
  - Provided clarification about the need for better communication among faculty and between faculty and administrators
- Erin Gillam, Faculty Senate Past-President
  - No announcements
- Jeremy Jackson, Faculty Senate President-Elect
  - No announcements
- Kristi Steinmann, President of Staff Senate
  - Waiting for report of results from survey
  - Ad hoc committee looking at university business hours
  - Invitation to open skate at The Lights (faculty, staff, students, families)
    - December 3<sup>rd</sup> (Sunday)
- Kaylee Weigel, President of Student Government
  - Student government partnering with OTL to promote student ratings of instructors – please encourage students to respond
  - Only 50% of book information entered – please enter your book information for your Spring 2024 courses
- Philip Hunt, Registrar
  - CLSS is open to submit for Fall 2024
  - McWood ⇒ Concerns about TAs getting access to sensitive course information
    - Haug ⇒ only instructors and secondary instructors receive the SCES information
- Shar Kurtz, IT reporting on auto-created courses in Blackboard
  - Blackboard courses automatically created for this coming semester
  - BB Manager only being used going forward to merge sections
  - Copying of course materials from past courses can be done in Blackboard

- Blackboard creates courses based on when they start
  - 110 days before your course starts, the Blackboard course will be created
  - Courses starting in March 2024 have not yet reached that 110-day threshold
- Faculty still need to go in and activate courses
- Boonstoppel ⇒ how do you copy in your content?
  - Instructions on LAIC how to pick which parts of your course you want to import
    - Can select only certain components of your course to import (or all components)
- Gao ⇒ this change should have involved faculty more in this decision
- Boonstoppel ⇒ request to resend email with details about this process

#### VI. Consent Agenda

- UCC Report
- MOTION to Approve (Benton/Smith)
  - MOTION passed by unanimous consent

#### VII. General Order

- Policy 103 - EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENINGS
  - MOTION to Postpone Until Ready (Roberts/Magel)
    - Motion passed by unanimous consent

#### VIII. Unfinished Business.

- Policy 322 - EQUITABLE AND TRANSPARENT FACULTY WORKLOAD\*
  - Gillam – provided input on how to modify Sections 7 and 14, which people have expressed problems with
  - Huseynov ⇒ concern about individuals with joint appointments
    - Policy does not reflect their situation
  - Matthew ⇒ concern about joint appointments with the Ag Experiment station
    - Needs verbiage that percentages can be amended at the college level
  - Kilina ⇒ concern about Section 6 and senior faculty potentially needing to reduce their research load
  - McGrath ⇒ asked for clarification about why the minimum 6 credit load was included in Section 14
    - Gillam ⇒ could not comment on this particular piece
  - Wood ⇒ unlikely to result in a reduction of courses taught for those that teach more than a 2:2 load
  - Tangen ⇒ request to have language about how workload is linked to promotion and tenure

- Kilina ⇒ unclear what “teaching” is if a minimum course load is prescribed in this policy
  - Need to specify how much mentoring takes up
- Jackson ⇒ concern about equity in workload
  - Splits to percentages – reflect time that we are expected to allocate.
  - Not the case for many faculty currently
- Rahman ⇒ Position descriptions are different in College of Ag
- MOTION to Return to Provost’s Office (Magel/Roberts)
  - MOTION passes via unanimous consent
- Policy 326 - ACADEMIC MISCONDUCT
  - MOTION to Approve (Gillam/Boonstoppel)
    - Hearne – concern about section about self-plagiarism
    - Anderson (Student Body Vice President) commented that this refers to self-plagiarism of published works
  - MOTION to Approve passes by voice vote (1 NAY – Hearne)

IX. Adjournment.

- Motion to Adjourn (Benton/Wood)
- Motion approved by unanimous consent
- Meeting adjourned at 4:30pm

## Appendix 1: November 13 2023 Faculty Senate Attendance

Last Name	First Name	Nov 13
Akhmedov	Azer	X
Ambrosio*	Tom	
Amiri	Ali	X
Barabanov*	Nikita	
Benna	Justin	X
Benton	Brad	x
Boonstoppel	Sarah	X
Choi	Bong-jin	P
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	
Matthew	Sijo	X
McGrath	Ryan	X
McWood	Leanna	X
Nelson	Kjersten	X
Peltier	Allison	X
Philbrick	Candace	X
Rahman	Mukhlesur	X
Rao	Jiajia	
Roberts	David	X
Ross	Darrell	X
Secor	Gary	P
Smith	Matthew	X
Steig	Jayme	X
Sun	Rex	X
Tangen	Jodi	X
Travers	Steve	X
Vold	Jessica	X
Wood	Scott	X
Wu	Xiangfa	X

\*indicates Alternate 45 voting senators  
 Quorum = 24.8 (25 senators must be present)  
 X = Present P = Proxy

## Appendix 2: November 13 2023 Faculty Senate Voting Record

Participant	Q1	Q2	Q3
Azer Akhmedov	ABSTAIN	AYE	AYE
Justin Benna	AYE	AYE	AYE
Bradley Benton	AYE	AYE	AYE
Sarah Boonstoppel	AYE	AYE	AYE
Ron Degges (Alternate)	-	AYE	AYE
Andrew Friskop (Alternate)	-	AYE	AYE
Jerry Gao	ABSTAIN	AYE	AYE
Erin Gillam	AYE	AYE	AYE
Karla Haug	AYE	AYE	AYE
Robert Hearne	AYE	AYE	AYE
Yongtao Hong	AYE	AYE	AYE
Andrea Huseth-Zosel	AYE	AYE	AYE
Fariz Huseynov	AYE	AYE	AYE
Jeremy Jackson	AYE	AYE	AYE
Inbae Jeong	-	AYE	AYE
Svetlana Kilina	-	ABSTAIN	AYE
Sarah Kirkpatrick	AYE	AYE	AYE
Mila Kryjevskaja	AYE	AYE	AYE
Jamee Larson	AYE	AYE	AYE
Quincy Law	ABSTAIN	ABSTAIN	AYE
Jin Li	AYE	AYE	AYE
Ken Magel	-	AYE	AYE
Febina Mathew	NAY	AYE	AYE
Sijo Mathew	AYE	AYE	AYE
Ryan McGrath	ABSTAIN	ABSTAIN	ABSTAIN
Leanna McWood	AYE	AYE	AYE
Kjersten Nelson	AYE	AYE	-
Allison Peltier	AYE	-	AYE
Candace Philbrick	AYE	AYE	AYE
Md Mukhlesur Rahman	AYE	AYE	AYE
David Roberts	AYE	AYE	AYE
Darrell Ross	AYE	NAY	AYE
Matthew Smith	AYE	NAY	AYE
Jayme Steig	NAY	NAY	AYE
XIN Sun	AYE	ABSTAIN	AYE
Jodi Tangen	AYE	AYE	AYE
Steven travers	AYE	AYE	AYE
Jessica Vold	AYE	AYE	AYE
Scott Wood	AYE	AYE	AYE
Xiangfa Wu	-	AYE	AYE



**Commission on the Status of Women Faculty**  
Meeting with President Cook & Provost Bertolini  
November 17, 2023

Purpose: Offer recommendations regarding proposed reorganization of offices/positions

**Key background about CSWF:**

- CSWF has been central to the revision of multiple key policies with implications for women faculty and gender equity, including Policy 103 (announcements of position openings); Policy 134.1 (children in the workplace); Policy 151 (code of conduct); Policy 304 (procedures for filling executive/administrative positions); Policy 302 (childbirth/modified duties); Policy 327 (evaluation of academic administrators); and Policy 352 (PTE).
- CSWF plays a key role in supporting the retention of women and diverse faculty on campus through research and policy revision.
- CSWF has worked closely with the Provost's office and Faculty Senate to review and promote gender equity, with specific attention to processes and policies that will support and retain women faculty.
- CSWF is currently focused on remote work, professors of practice, salary equity, and gathering data on women faculty's experiences at NDSU.
- CSWF plays a key role in faculty governance, serving on the Faculty Senate Executive Committee; the Faculty Senate Committee on Diversity, Equity, and Inclusion; and the Faculty Senate Faculty Affairs committee.

**Key faculty concerns in relation to gender equity on campus:**

- When we last met in December 2022, we shared a report in which we highlighted perennial concerns of faculty in relation to gender equity. Among other concerns, we highlighted:
  - Lack of adherence to policy at all levels, as well as a lack of accountability
  - Repeated use of presidential exceptions (Policy 103) to override established policy
- The reorganization announcement and subsequent conversations about it (including decision-making, communication, and release of information) have underlined the persistence of these concerns, as well as:
  - Patterns of disrespect in the treatment of women leaders
  - Lack of understanding of the history of gender inequity on campus and long-standing initiatives, such as ADVANCE, to address this history
  - Low morale among faculty
  - Lack of trust between faculty and upper administration and advisors to administrators
  - Failures in the shared governance process
  - Barriers to proceeding with faculty committee work because there is no Vice Provost for Faculty Affairs
  - Disruptions to work productivity for faculty and staff, leading to a significant loss of money and time throughout the university

**CSWF recommendations to address key faculty concerns:**

1. Involve stakeholders at all levels (faculty, staff, and relevant committees) before making major institutional decisions.
2. Increase transparency about how institutional decisions are made and explicate how policy is followed.
3. Establish and maintain systems of accountability – for example, NDSU can create a web page that articulates goals and steps toward reestablishing accountability on campus, and have a body, comprised of various stakeholders, assess progress on those goals. Additionally, NDSU can document the feedback it receives on reorganization and other issues, and show how it is being addressed.
4. Administrators should participate in DIR training offered on campus, including Advocates and Allies, search committee training, Communities of Respect, etc., and pursue additional professional development in DIR beyond resources offered on campus.
5. Ensure that communications with and about faculty demonstrate a shared commitment to collegiality and collaborative efforts to advance NDSU's mission and goals. For example, a committee to bridge student, staff, and faculty concerns could be formed to improve understanding.
6. In general, avoid using the presidential exception clause in Policy 103.

7. Conduct an immediate search for a Vice Provost for Faculty Affairs.
8. Follow existing policies for search processes and strive to fill permanent (rather than interim) positions.

**Additional recommendations about proposed reorganization:**

1. CSWF reporting line in proposed reorganization  
**Notes:** Historically, CSWF has fallen under the Office of the Provost and has been directly connected to the Vice Provost for Faculty Affairs.  
**Recommendation:** CSWF should continue to remain under the purview of the Vice Provost for Faculty Affairs because of CSWF's specific focus on faculty issues.
2. Vice Provost position announcement draft (shared 10/26)  
**Notes:** The position announcement suggests multiple focuses beyond faculty affairs, some of which overlap with other offices/roles on campus (such as teaching and student retention). It is important to set up the Vice Provost in a position to succeed, rather than asking them to take on more tasks with fewer resources. The Vice Provost's office previously oversaw many initiatives supporting underrepresented faculty (including CSWF, Academic Leaders, Advocates & Allies, PTE and search training, Faculty Fellows, faculty mentoring), and these initiatives should continue under the purview of the new VP.  
**Recommendation:** A search for a permanent Vice Provost of Faculty Affairs should commence immediately following the guidelines outlined in Policy 103, and the position description should be narrowly focused on faculty issues, including those activities that specifically support underrepresented faculty. The list of qualifications should speak specifically to the role description. The search committee should refine the position description and be comprised of representatives from key stakeholders on campus who support women and other underrepresented faculty.
3. Senior Director for Access and Opportunity (shared 11/13)  
**Notes:** An administrator dedicated to equity and inclusion is extremely important. Rather than separating legal/compliance issues and DIR initiatives, this administrator can oversee both within the same office, since both areas are relevant to access and opportunity and serve students, faculty, and staff across campus.  
**Recommendation:** Consider broadening the purview of the Senior Director position to include all aspects of access and opportunity related to students, faculty, and staff. The list of qualifications should speak specifically to the role description. A search committee should refine the position description and be comprised of representatives from key stakeholders and campus experts on DIR.
4. EO/Title IX Office  
**Notes:** The integrity of the EO/Title IX Office was called into question with recently released documents of individual cases. A re-organization of the office with an advisory board has been suggested. An important first step should be to determine what the reporting structure for the office is appropriate for the re-organization. Input needs to be gathered from individuals working in the Equity Office and from others familiar with EO/Title IX practices. It is important that individuals feel confident that they will be treated respectfully and fairly when filing or responding to complaints related to EO/Title IX.  
**Recommendation:** Form a committee that gathers information regarding best practices of EO/Title IX at peer institutions as well as federal bodies such as ATIXA. Said committee can then work with the Equity Office to determine whether changes need to be made and whether an advisory board falls within best practices. Policies and procedures should be reviewed (e.g., the role of legal counsel in EO/Title IX decisions; what constitutes an impartial third party; what is conflict of interest; what is subject to open records, etc.).

**University Curriculum Committee Report  
For Faculty Senate Meeting on December 11, 2023**

Program Update
Ph.D. Computer Science – Program updates.
Ph.D./Ed.D. Education – Program delivery method update.
B.S./B.A. Mathematics & Statistics – Adding STAT 367 & STAT 368 to major requirements and reducing the number of credit hours for Statistics electives from 19 to 12 credit hours.
B.S./B.A. Mathematics & Statistics Pre-Actuarial - Adding STAT 367 & STAT 368 to major requirements and reducing the number of credit hours for electives outside of Statistics to 6 credit hours and reducing the Statistic electives to 6 credit hours.
M.S. Dietetics – Delivery method update to online only.
M.S. Human Development and Family Science – Reducing the number of required credits for the Family Financial Planning option from 36 to 30 credits. Also eliminating the MS paper and thesis options.
Minor Human Development and Family Science – removing footnote #2.
Minor Supply Chain Management – Title change from Logistics Management
Ph.D. Exercise Science & Nutrition – Remove HNES 721 as an elective course option.

New Program
M. Engr. Industrial and Manufacturing Engineering

New Courses			
Subject	No.	Title	Effective Term
HNES	769	Human Resource Management in Sport	Fall 2024
HNES	771	Sport and the Media	Fall 2024
NURS	307	Concepts of Adult Health Nursing	Fall 2024
HDFS	380	Introduction to Mental health Professions	Fall 2024
CHEM	777	Green Chemistry for Graduate Students	Fall 2024

Course Inactivations			
Subject	No.	Title	Effective Term
CFS	430	Food Unit Operations	Fall 2024
CFS	630	Food Unit Operations	Fall 2024
HNES	481	Dietetics: Capstone Course for DPD	Fall 2024

Changes in Course Descriptions and/or Requisites				
Subject	No.	Title	Title/Prerequisite/Co-requisite/Description Change	Effective Term
RELS	320	History of Christianity	<p>Cross-listed with HIST 320</p> <p><b>Old description:</b> Major developments in the Christian religion including scriptures, persecution, monasticism, papacy, Reformation, science and religion, and the ecumenical movement.</p> <p><b>New description:</b> A study of Christianity's formation, the rise of the Catholic Church, Eastern Christianity, the Reformation, monasticism, Pentecostalism, liberation theology, and global missions.</p>	Fall 2024

STAT	330	Introductory Statistics	Updating pre-requisite to state: Math placement into MATH 103, MATH 104, MATH 105, MATH 107, MATH 146 or MATH 165.	Fall 2024
CSCI	706	Data-Driven Security	Cross-listing with DATA 706.	Fall 2024
ENVE	412	Unit Operations and Processes	Adding co-requisite of CE 410.	Fall 2024
HNES	226	Socio-Cultural Dimension in Sport	Removing requisite of being a Sport Management major only.	Fall 2024
HNES	251	Nutrition, Growth and Development	Removing HNES 200 and HNES 250 as pre-requisites.	Fall 2024
HNES	304	Sport Promotion and Public Relations	Adding HNES 226 as pre-requisite with HNES 190 and removing the requisite of being a Spring Management major.	Fall 2024
HNES	351	Metabolic Basis of Nutrition	Updating pre-requisite to Nutrition Science majors from Dietetics majors.	Fall 2024
HNES	354	Introduction to Medical Nutrition Therapy	Updating pre-requisite to Nutrition Science majors from Dietetics majors.	Fall 2024

General Education Changes/Revalidations				
Subject	No.	Title	Action	Category

## Policy Change Cover Sheet

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

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

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

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

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

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

Is this a federal or state mandate:  Yes  No

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

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

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

Date Submitted to SCC Secretary: 5/12/23

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

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

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

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

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

# North Dakota State University

## Policy Manual

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

SOURCE: NDSU President

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

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

#### STAFF

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

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

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



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

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

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

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

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

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

~~(2.2).~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~2.2.2~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~2.2.4.6.2 A reduction in force.~~

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

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

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

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

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#### All Positions

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

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

#### HISTORY:

New May 15, 1978

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

## Policy Change Cover Sheet

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

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

**Policy Number and Name:** 601 – Rights and Responsibilities: A Code of Student Conduct

**Effect of policy addition or change:** Explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s): The Code of Conduct policy is reviewed approximately every 2 years for both housekeeping items (spelling/grammatical/formatting) as well as for changes based on feedback from the review group, changes in institutional/local/state/federal policy, and improvements to the Code. This year, the majority of changes fall into housekeeping items, with some substantive changes to policies based on experiences of conduct officers/administrators who interact frequently with the policy and students accused of violating it. In addition, the campus partners from the following offices were consulted and gave feedback which is reflected in the final proposed changes – University Policy and Safety, Equal Opportunity/Title IX, Student Activities, Records and Registration.

Is this a federal or state mandate:  Yes  No

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

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

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

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

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

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

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

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

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



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

# North Dakota State University Policy Manual

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

SOURCE: NDSU President

### 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	<del>Administrative</del> 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](mailto: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](#).

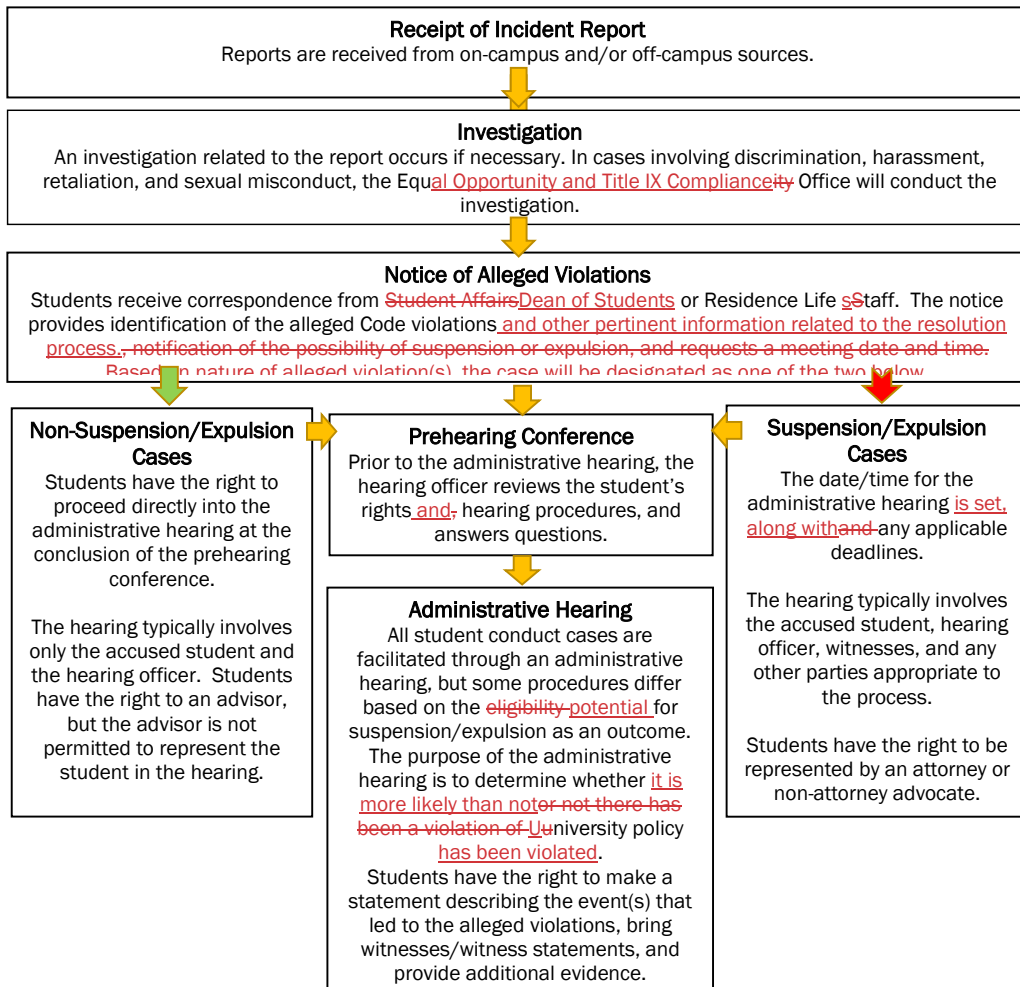
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### Resolution of Code of Student Conduct Violations Flowchart







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

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

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

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

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### 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.

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### 5.4 Investigation

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

All cases of discrimination, harassment, retaliation, and sexual misconduct involving a potential policy violation by a student shall be investigated by the ~~Equity Office~~ Equal Opportunity and Title IX Compliance Office utilizing the appropriate policy. -Designated, trained University personnel are authorized to investigate alleged violations of the Code. Any individual believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. Written findings of the investigation along with a recommendation for dismissal of the complaint or a recommendation of pursuing action under the Code will be produced by the investigator(s) and provided to the Dean of Students Office. If the report indicates reasonable cause to believe that a violation occurred, ~~the~~ the Vice Provost's designee may proceed with a Notice of Alleged Violations. The ~~Final Preliminary~~ Investigative Report as set forth in NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures shall constitute the

Investigation Determination for purposes of Section 5.7 below. All information/evidence needs to be provided during the investigative phase in order to be considered for determining if a case will be dismissed or whether action will be pursued and in determining findings under the Code.

### 5.5 Interim or Remedial Measures

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

### 5.6 Right to Entry

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

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

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

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

The right to inspect residence hall rooms and university apartments without notice is reserved by the University for purposes of maintenance, cleaning, fire, personal safety, and administering provisions of the license agreements. The University will provide reasonable notice, when possible. Such entry by the University shall not be regarded as a search, but is separately agreed to and authorized by the student through provisions in the residence hall

or [University](#) apartment license agreements. Items that pose an imminent danger to health, safety, life, or property may be taken into temporary custody by residence life staff, [University](#) police, or other emergency personnel.

### 5.7 Notice of Alleged Violations

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

The notice will include:

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

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

### 5.8 Prehearing Conference

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

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

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

### 5.9 ~~Administrative Conduct~~ Hearings

The Code resolution process will be facilitated through an administrative hearing to determine whether or not there has been a violation of University policy. Although all cases are heard administratively, some procedures differ between cases that are or are not eligible for suspension/expulsion. The University reserves the right to determine procedures and appropriate individuals to include in the process. ~~In an administrative hearing,~~ the responding student has ~~the~~ right to make a written and/or oral statement describing the

event(s) that lead to the alleged violations, bring witnesses or witness statements, and present evidence.

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

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

The hearing officer is the individual appointed by the University to process an alleged violation of University policy. The hearing officer shall typically be a University employee; however, the University may, at its discretion, retain a non-employee to serve as a hearing officer at the University's expense.

#### **Non-Suspension/Expulsion Conduct Hearings**

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

#### **Suspension/Expulsion Conduct Hearings**

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

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

#### **5.10 Default Proceedings and Unresolved Alleged Code Violations**

When a student/organization fails to appear for a hearing appointment without advance notice, or leaves the University with unresolved alleged violations, the hearing officer may make a decision in the student/organization's absence, providing the student/organization

was issued adequate written notice of the date, time, and place of the scheduled hearing.

In certain cases, a registration hold may be placed on the student's records and the case will be archived until such time the student requests reactivation or a resolution of the pending matter.

#### **5.11 Student Organizations in Default**

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

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

#### **5.12 Conflicts of Interest**

Any hearing officer who has a conflicting interest in ~~at~~ the particular case may not ~~conduct the hearing or~~ ~~participate~~. Any party has the right to challenge the appointment of a hearing officer. Challenges must be submitted in writing to the Vice Provost or designee at least three (3) business days prior to the hearing. If a party fails to raise an actual or reasonably perceived conflict by objecting three business days in advance, any objection is deemed to be waived. A hearing officer may not be disqualified solely based on his or her position in the University community.

#### **5.13 Standard of Proof**

The standard of proof is a "preponderance of the evidence." ~~This which~~ means ~~the weight of the evidence indicates~~ ~~at~~ it is more likely than not ~~that~~ a violation ~~did~~ occur ~~red~~. A student is found to have violated this Code when:

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

#### **5.14 Witnesses/Witness Statements**

Prior to the hearing, names of witnesses being called to the hearing must be submitted to the hearing officer or Dean of Students Office by a deadline set during the prehearing conference. All parties will be given reasonable opportunity to present witnesses and/or witness statements and will be allowed to address questions to any witnesses participating in

the hearing. All questions will be addressed through the hearing officer; however, the hearing officer may allow for direct questioning of non-party witnesses. Witnesses will be given reasonable latitude to respond fully to questions and will only remain for the duration of their own testimonies.

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

#### **5.15 Evidence**

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

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

#### **5.16 Self Incrimination**

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

#### **5.17 Closed Hearings**

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

#### **5.18 Appeals**

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

### **6. Hearing Procedures for Suspension or Expulsion Cases**

#### **6.1 Introduction**

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

### **Honesty Statement**

*The University expects that all information presented in this hearing will be true and correct to the best of each participant's knowledge. If students willfully provide false information, they will be in violation of NDSU's Code of Student Conduct. As a result, they may also be subject to additional disciplinary action. Dishonest behavior by any faculty or staff members will be reported to supervisors for any necessary disciplinary action.*

If a student is represented by an attorney or non-attorney advocate, ~~that~~ representative has the ability to fully participate in the hearing as indicated in ~~Section 5.3 of this Code~~Section 5.3 of this Code~~Student~~Advisor Options.

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

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

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

### **6.3 Questioning of Witnesses and Parties**

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

### **6.4 Closing Statements**

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

### **6.5 Notice of Decision**

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

## **7. Sanctions and Conditions**

A sanction is a consequence placed upon ~~any~~ student for violations of the Code. Sanctions ~~help~~



define the student's conduct relationship with the University. Conditions are assigned actions that may repair damage, encourage reflection and learning, and/or assist the student in meeting the University's expectations.

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

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

With each sanction, conditions may also be assigned. In addition, notification may be given to other University officials as necessary. Examples of conditions are listed in Section 7.2 of this Code below.

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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.

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### 8.6 Appeal Decision

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

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

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

## 9. Special Circumstances and Conditions

### 9.1 Registration/Graduation Hold

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

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

### 9.2 Returning and/or New Students

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

### 9.3 Rehearing Requests for Cases Resulting in Suspension or Expulsion

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

Commented [DM3]: Matt D and Emily revisiting 607

### 9.4 Temporary Emergency Suspension

A student may be temporarily suspended by the Vice Provost, pending a hearing, when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of an individual or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five (5) business days following the suspension. In unique circumstances, any alteration to this timeline will be at the discretion of the Vice Provost. If the suspension is upheld, the suspension remains subject to the rules

outlined in Conduct Suspension (see Section 7.1 [of this Code Sanctions](#)) and remains a matter of permanent conduct record.

### 9.5 Administrative Withdrawal

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

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

### 9.6 Negotiated Withdrawal

In rare circumstances, a student may be allowed to negotiate a mutually agreed upon withdrawal for a specified period of time. Other conditions may also need to be met prior to application for reenrollment. ~~Such conditions will be provided to the student in writing at the time of the negotiated withdrawal.~~ [Students wishing to return to the University may obtain information regarding reactivation from Registration and Records or online through One Stop. A meeting with a member of the Dean of Students staff will also be required prior to acceptance of the student's application for readmission.](#)

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

### 9.7 Crimes of Violence

The term "crime of violence" means:

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

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

Individuals who are victims of crimes of violence have a right to be notified of the outcome of complaint resolution procedures, upon written request to the [Dean of Students office](#) ~~Vice~~

**Provost.** If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

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

## 10. Conduct Records

### 10.1 Disclosure

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

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

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

### 10.2 Retention and Destruction

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

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

#### ~~Sanctions Less than Suspension or Expulsion~~

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

#### ~~Suspension or Expulsion~~

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



### Student Organization Records

Records of conduct violations involving student organizations will be retained for seven (7) years following the date of the incident. Student organization conduct records may be retained indefinitely at the discretion of the Vice Provost or designee.

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

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

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

Also

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#### HISTORY:

New	
Amended	September 27, 1999
Amended	May 31, 2011
Amended	August 23, 2014
Amended	September 18, 2015
Housekeeping	October 6, 2015
Housekeeping	June 23, 2017
Amended	August 22, 2017
Amended	November 25, 2019
Amended	August 14, 2020
Amended	December 14, 2020
Amended	August 18, 2021
Amended	November 3, 2021

## **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.