

University Senate Agenda

November 2020 Meeting

TO: Members of the University Senate

FROM: Liz Legerski, University Senate Chair, 2020-2021

SUBJECT: November 5 University Senate Meeting


DATE: October 29, 2020

The November 2020 meeting of the University Senate will be held on Thursday, November 5, 2020, from 3:30-5pm via Zoom. Voting members should use the personalized link they were sent last time to join the webinar as a panelist. As a reminder, this link will be emailed again the day before our meeting. Please check your clutter/junk/spam folder if you do not see the invitation in your inbox. A public link for visitors is available on the Senate website and in the University Letter.

I. Call to Order (Chair Legerski)

II. Senate Calendar:

- a. Announcements/Chair opening remarks
 - i. Upcoming events to note
 - ii. Reminder re committee annual report deadlines
 - 1. Overdue Oct. 22: Honorary Degrees, SCOFR
 - 2. Due Nov. 19: Faculty Handbook, Legislative Affairs, Library
 - iii. The Village resources available to faculty and staff (The Village Rep)
 - iv. The process of evaluating Deans (Heather Wages and Debbie Storrs)
 - v. Library renovations update (Stephanie Walker)
 - vi. Council of College Faculties update (Tom Petros)
 - vii. Staff Senate update (Megan Wasylow)
 - viii. Student Government update (Matthew Ternus)
- b. Establish Quorum (Marci Mack, for Secretary Correll)
- c. Review and approval of October 1, 2020 Senate meeting minutes (see attached)
- d. Senate Executive Committee report (Chair Legerski)
 - i. The SEC voted to approve Faculty Handbook updates related to recent federal Title IX policy changes; no comments on the policy were received from the campus community during the open comment period, but there are a few additional changes that needed to be made - mostly



housekeeping sorts of changes to update office/policy titles and procedures throughout the Faculty Handbook; the changes are noted using track changes and can be found on pages 38, 42, 48-52, and 60 of this document

- ii. The SEC voted to support Student Senate resolution “Support for Reinstating Spring 2020’s Student Preference Grading System for the Fall 2020 Semester”
- iii. The SEC voted to approve the Faculty Handbook Course Syllabus Policy proposal, which would be included in Section III: Teaching Policies and Procedures, adding subsection XIII. Course Syllabi; policy would require instructors to provide access to a course syllabus at the beginning of the semester for all regular on-campus and online courses
- e. Question period (20 minutes)

III. Consent Calendar:

- a. Essential Studies annual report (see attached)

IV. Business Calendar:

- a. October University Curriculum report (was filed at last Senate meeting without opposition; this was an error – report requires a vote as it involves curriculum changes, see attached)
- b. Faculty Handbook Title IX policy updates (see attached)
- c. Student Government resolution Supporting Reinstating Spring 2020’s Student Preference Grading System for the Fall 2020 Semester (see attached)
- d. Faculty Handbook Course Syllabus Policy proposal (see attached)

V. Matters arising

VI. Adjourn

Minutes of the University Senate Meeting
October 1, 2020

1.

The October meeting of the University Senate was held remotely via Zoom Conference at 3:30 p.m. on Thursday, October 1, 2020. Chair Liz Legerski presided.

2.

The following members of the Senate were present:

Alberts, Crystal	Lease, Jered	Plowman, Austin
Armacost, Andrew	Legerski, Elizabeth	Rand, Kathryn
Barkdull, Carenlee	Liang, Lewis	Reedy, Kaelan
Bertsch, Brenna	Light, Steven	Reissig, Brad
Cherry, Emily	Lim, Howe	Robinson, Sarah
Chu, Qianli	Linder, Meloney	Rundquist, Bradley
Correll, Scott	Lindseth, Paul	Saligumba, Amanda
Cowdrey, Hunter	Liu, Jun	Sauer, Michelle
Denny, Dawn	Matz, Adam	Schlenker, Jared
Dodge, Michael	McGinniss, Mike	Shivers, Jed
Doze, Van	Mihelich, John	Spaeth, Andria
Dusenbury, Mark	Millspaugh, Richard	Storrs, Debbie
Feehery, Davis	Minnotte, Michael	Stupnisky, Robert
Halcrow, Steven	Munski, Doug	Tang, Clement
Halgren, Cara	Myers, Brad	Ternus, Matthew
Hand, Laura	Ng, Lilly	VanLooy, Jeff
Hume, Wendelin	Nilles, Matthew	Wahl, Faith
Iiams, Michele	Oancea, Cristina	Wasylow, Megan
Iseminger, Colt	Olson, Devon	Wilson, Nick
Jendrysik, Mark	Park, Chan	Wise, Richard
Juntunen, Cindy	Pedersen, Daphne	Yousif, Zeineb
Kassow, Benjamin	Perkins, Dexter	Zerr, Ryan
Kehn, Andre	Peterson, Karen	Zhao, Julia

3.

The following members of the Senate were absent:

Cory, Claire	Kostrzewski, Diana	Walker, Stephanie
Foster, Nathan	Murphy, Eric	Wynne, Joshua
Germolus, Isaiah	Newman, Robert	Xiao, Feng
Henley, Amy	Schill, Brian	Yang, Wei
Kenville, Kjm	Sens, Donald	
Khavanin, Mohammad	Tande, Brian	

4.

Ms. Legerski called the meeting to order and made the following announcements and opening remarks.

a. Reminder of goals for the upcoming year:

- Reignite an understanding of and commitment to shared governance at UND.
- Support individual and institutional commitments to diversity, inclusion, justice.
- Survive the global pandemic and position ourselves to thrive into the future.

b. Upcoming events to take note of:

- October 5, 2:00 p.m., Inauguration of President Armacost
- October 7, 3:00 p.m., LGBTQ+ Ally Training
- October 21, 7:30 p.m., Chester Fritz Distinguished Professor Lecture
- October 26, 3:30 p.m., University Council Meeting/State of the University address
- October 6, 11:00 a.m. - Noon; and October 7, 3:00-4:00 p.m., Follette Bookstore text book adoption training
- October 7, 7:00 a.m. - 2:00 p.m., and October 13, 9:00 a.m. - 5:00 p.m., Flu shots available on campus

c. Reminder of Senate Committee report deadlines. Please work with your committee to put together your report. The following reports are due or overdue:

- i. Was due September 17: Committee on Committees, Compensation, Faculty Instructional Development, Honors and University Assessment
- ii. Due October 22: Essential Studies, Honorary Degrees, Standing Committee on Faculty Rights

d. Bookstore update from Follett staff, Jennifer Hatton and Matthew Breaux

Mr. Breaux answered a question regarding students being charged prior to the book being shipped. The student is not charged until the book is pulled and ready for shipment. He also stated that there are only 90 textbook units that are on backorder from late adoptions or additional copies. This is typical of this time of year for backorders. One reason is that some of the books are unavailable from the publisher. Follette will cancel and refund those orders that students do not want. At this time, there are approximately 700 orders that are still waiting for pickup from students. The students get three reminder calls to pick up their waiting books.

Store Staffing Update: They are still in the process of hiring more staff. Training is ongoing so that these operational items are taken care of prior to the start of spring term.

Spring Adoption: Follette Discover is the program for faculty to adopt through learning management tool. They will also be doing training for staff members who can submit adoption for books. Store leadership will also be on the training call for their adoption. This way they will know the steps needed to be successful.

A question was asked regarding what percentage of backorders have been taken care of. Mr. Breaux answered that 99.5 percent have been taken care of and .5 percent are still waiting to be completed.

Ms. Storrs thanked Mr. Breaux for the update. She also thanked him for the training their staff is receiving.

e. Mr. Shivers addressed questions concerning university funding. Funding for campus construction projects were illustrated for each of the renovations on campus, i.e., O'Kelly, Chester Fritz Library, Carnegie, University Ave., Merrifield Hall, and the Memorial Union. The Union is being funded by the students.

Mr. Shivers also gave an update on the phased renovations of O'Kelly: Phase 1 Math Lab lower level, Phase 2 TTDA floor 3 and finish second floor of O'Kelly to move folks from Columbia Hall once it is slated to be destroyed.

Mr. Shivers addressed a question regarding outsourcing BSTs. UND has contracted with a third party company to hire BSTs. This is because of the additional cleaning associated with COVID. It is not part of a larger plan to completely outsource. It is a temporary situation being paid for by the COVID funds.

Mr. Shivers reported that the funding for the Nistler College of Business and Public Administration project is coming from matching funds, there will be no funds from the UND budget. We are also looking at money from the state for the Merrifield/Twamley project and the Flight Apron project.

- f. Aaron Flynn and Pam Shea, co-chairs of the Greater Grand Forks United Way Campaign, presented on the goals for this year's campaign. This year's theme is Neighborhood Hero's Unite and it will be held from October 19th through November 13. An online pledge form is being developed in conjunction with United Way. Ms. Shea thanked Ms. Legerski for letting them join the Senate meeting. Information will be sent out campus-wide in the ULetter on how to obtain the forms.
- g. Kara Halgren and Cassie Gerhardt shared that the Angel Fund resources have been depleted. Ms. Halgren thanked everyone for their contributions to the Fund. She reported that student interest in this fund has been significant. Ms. Gerhardt shared that since the fund was started, they have awarded over \$155,000, with the average award being \$683, and the max amount \$750. Some students who have applied will not receive an award. The dollars went for things such as text books, food, rent, medical situations, etc. The stories have all been very touching as students are facing so many difficult challenges at this time.
- h. Peggy Varberg addressed concerns about COVID-fatigue and burnout and listed mental health resources for faculty and staff. She spoke about the resources that are available to employees at UND. These resources are part of the Employee Assistance Program through Village Institution, which are confidential and available for everyone in the employee's family.
- i. Tom Petros gave a Council of College Faculties update. He stated that the major issue before the Council presently is the proposed Measure 2. Discussion ensued.
- j. Megan Wasylow gave a Staff Senate update. She reported on September activities for employee recognition week. The 31 days of Glory fund raiser starts October 1 and runs through November or until tickets are gone. Ms. Wasylow also reported on the Seeds for Staff Success scholarships.
- k. Matthew Ternus gave a Student government update. He reported on two Student Senate resolutions that have passed. Mr. Ternus is meeting with city council members to discuss them. There was a discussion at the Senate Executive Committee meeting regarding S/U grading for the fall 2020 semester. Mr. Ternus asked if this could be something that could be implemented again this fall 2020 term. Discussion on the topic was held during the discussion period.

1. Interim Provost, Debbie Storrs, stated that during this time of COVID, she wants to make sure that faculty are given the opportunity to gather to share ideas, etc. She reported that the Chester Fritz Distinguished Professors event is coming up and she invited everyone to please come and join together.

Ms. Storrs shared that student feedback is positive regarding staying on campus after Thanksgiving break. It is still a faculty choice if they want to go online during the term, but they must get the information posted to their Black Board site by October 2 so students are well informed about any changes.

Ms. Storrs reported that the question of how to thrive as an institution has been asked. A task force to consider what academics will look like in the future at UND is being established. Co-Chairs for the group are Jeff VanLooy and John Shabb. The task force will be looking at future trends in education and they want faculty input on the subject of what UND academics should look like going forward. Mr. VanLooy and Mr. Shabb gave a brief overview of the task force and reported that it is in the very early stages of development. Mr. Shabb reported on the committee membership. He stated that they want to utilize the Senate standing committee members or have their input on possible nominations for membership on the task force. He also stated that we are on a fast track and would like to convene the task force prior to the end of fall 2020 term and be completed by the end of spring 2021 term. They will be contacting Senate committee chairs to help set up a meeting to look at possible nominations from their committees.

5.

Quorum was established.

6.

Mr. Munski made a motion to extend the meeting to 5:30 p.m. The motion was seconded and passed.

7.

The minutes of the September 3, 2020 meeting were approved with changes that were submitted by Ms. Alberts.

8.

Ms. Legerski gave a Senate Executive Committee (SEC) report on SEC actions. The SEC voted to extend time between classes by five minutes on MWF for Spring 2021. The SEC also approved an early graduation request for Krista Steinbeisser.

9.

The 20-minute question period was opened.

Ms. Iiams asked about how a student gives permission to a faculty or staff member to have access to their record. Mr. Correll explained that there is a service indicator on a student's record stating who can have access by giving them a 4-digit code. A faculty can only see their own advisees at this point in time.

Ms. Alberts asked Mr. Shivers what cleaning service we are using. Are they local workers or from out of town/state. Mr. Shivers did not have

that answer and stated that he would get back to her. It was asked why BST recruitment is so hard at this time. He replied that there are a variety of reasons; but, in a nut shell, the pay is not what it needs to be even though the benefits are good. People are looking for more money in their pocket, not just good benefits. Also, during this pandemic, it is hard to get people to work for the pay. Ms. Alberts asked if we were housing the cleaning people. Mr. Shivers stated that we are not housing anyone during this time.

Ms. Robinson asked if a student wants to attend class over Zoom for their own convenience, can we let them zoom. Ms. Storrs stated that it is up to faculty to allow them to zoom and not come to class. There is no hard and fast rule.

Mr. Matz stated that a lot of students don't know how to view feedback on Black Board. Is there a video on how students can view feedback on Black Board and any other kinds of questions regarding the use of Black Board? Lynette Krenelka said she will check into that and if not, they will produce a video for this issue.

Ms. Barkdull had a follow-up question regarding the evaluation of deans that was discussed at the last Senate meeting. Ms. Storrs has worked with the deans and agreed to engage in an evaluation that includes their direct reports; it will be a qualtrics survey that, once completed, will go to Ms. Storrs. College faculty cannot vote to have their own deans evaluated by the faculty. Ms. Storrs will speak with University Counsel regarding the legal stance on this question. Ms. Barkdull clarified that it was not just the Social Work faculty that asked for this, it was a vote of the entire college faculty. She also stated that the current process does not provide an opportunity for input from others, only the chairs. Ms. Storrs stated that a 360 evaluation of all deans is completed during their third year of their contract. Ms. Barkdull asked if we can expect a response on the legality of their own evaluation of deans. Ms. Storrs stated that she will ask legal counsel to come to Senate to address this question.

Mr. Jendrysik asked when the Follette contract expires and what alternatives are there to avoid their incompetence. Ms. Shivers stated that the contract expires March 2021 and we are in the RFP process and that it is a real competition

Ms. Alberts asked that we honor the request from the student body that we consider their s/u grading policy request at the next meeting.

Ms. Matz asked if state employee pay is public record. He could not find the information. Mr. Shivers stated that the BST contracting salaries would not be on the site for public view because they are contract employees, not UND employees. That is the same with construction projects on campus as they are not UND employees. He will follow up with Peggy Varberg to see where you can find this information and he will share the site.

The question period closed.

Without objection, the October Curriculum Committee report was approved and filed.

11.

Ms. Legerski reported that a proposal was brought forth to the Senate Executive Committee by the Student Academic Success and Career Engagement Center regarding the automatic minimum waitlist. They felt that there was not consistency across all departments at this time. Mr. Iseminger made a motion to approve the proposal. Ms. Alberts seconded and the motion passed.

12.

The meeting adjourned at 5:20 p.m.

Marci Mack, Acting Secretary
University Senate

Memo

To: Liz Legerski, Chair, University Senate

From: Brooke Solberg, Chair, Essential Studies Committee

cc: Scott Correll, Registrar; Karyn Plumm, Director, Essential Studies Committee

Date: October 26, 2020

Re: ES Report

The Essential Studies Committee met twice a month over the 19-20 academic year (excluding summer) and members included: Michael Dodge, JOD, Chair; Brooke Solberg, SMHS, Chair-Elect; Mark Jendrysik, BPA; Hans Broedel, A&S; Forrest Ames, CEM; Christopher Felege, A&S; James Mochoruk, A&S; Steven LeMire, EHD; Wendelin Hume, A&S; Heather Terrell, A&S; Kristen Borysewicz, Library; Tim Burrows, VPAA; Scott Correll, Registrar's Office; Christina Fargo, Registrar's Office; Paul Lindseth, Dean; Karyn Plumm, Director.

The Essential Studies Committee decided on 52 student petitions during Fall2019, Spring 2020, and Summer 2020. Thirty-two were approved and 20 were denied.

The Essential Studies Committee reviewed courses by departments due for revalidation and approved 44 course revalidations for Fall 2020: BADM 101, BADM 225, ENGL 110, ENGL 130, ENGL 226, ENGL 308, ENGL 225, ENGL 227, ENGL 271, ENGL 315, ENGL 408, ENGL 415, IDS 495, ME 480, ME 488, PHIL 101, PHIL 103, PHIL 104, PHIL 110, PHIL 120, PHIL 130, PHIL 201, PHIL 217, PHIL 300, PHIL 301, PHIL 311, PHIL 326, PHIL 355, PHIL 451, PHIL 480, PHE 101, PHE 102, KIN 491, PT 402 & PT 514, POLS 115, POLS 220, POLS 225, POLS 495, RTS 201, THEA 110, THEA 161, THEA 270, THEA 424

The Essential Studies Committee reviewed courses submitted for validation. This year, we had many more submissions for validation than usual as we get courses listed for the new Diversity of Human Experience and Analyzing Worldview Intercultural Knowledge & Skills special emphasis courses (these will replace the current Global and US Diversity courses). The Committee approved 94 courses for validation for Fall 2020: ACCT 501, ANTH 171, ANTH 172, ANTH 376, ANTH 377, AVIT 468, BIMD 220, BIMD 220L, BIMD 221, BIMD 221L, CHEM 115/L, CHIN 101, CHIN 102, CHIN 201, CHIN 202, CLAS 101, CLAS 102, CLAS 151, CLAS 152, CLAS 201, CLAS 202, CSCI 289, CSD 232, CSD 425, ENGL 230, ENGL 357, ENGL 365, ENGL 367, FREN 101, FREN 102, FREN 201, FREN 202, GERM 101, GERM 102, GERM 201, GERM 202, HIST 101, HIST 102, HIST 103, HIST 104, HIST 105, HIST 106, HIST 140, HIST 181, HIST 201, HIST 206, HIST 332, HIST 333, HIST 370, HIST 371, HIST 405, HIST 406,

HON 101, HON 102, MRKT 201, MUSC 203, N&D 441, NORW 101, NORW 102, NORW 201, NORW 202, NURS 331, NURS 490, PHE 103, PHE 306, PHIL 105, PHIL 227, PHIL 245, PHIL 250, PHIL 251, PHIL 253, PHIL 282, PHIL 304, PHIL 312, PHIL 316, PHIL 320, PHIL 342, PHIL 360, PHIL 380, POLS 318, PSYC 365, SOC 110, SOC 250, SOC 436, SPAN 101, SPAN 102, SPAN 201, SPAN 202, T&L , 251, T&L 433, THEA 125, THEA 401, WGS 200, WGS 225

In October 2019 The Essential Studies Committee reviewed and approved a proposal to waive all ES requirements for students returning to complete a second bachelor degree. That proposal was forwarded to University Senate where is it was subsequently approved there as well. This approval was added to the GUEST document for transfer students.

University Senate Curriculum Committee Report
October 1, 2020

I New Course

- CSCI 265 :Introduction to Programming Languages
- CSCI 266 :Tools and Techniques of Computing Practice
- NURS 612 :Integrated Leadership DNP Core Concepts
- NURS 613 :DNP Organizational Systems Focused Practice
- NURS 614 :Culture of Safety and Ethics

II Course Deletion

- CSCI 120 :Computer Programming I
- CSCI 170 :Computer Programming II
- EDL 503 :Seminar Educational Leadership

III Program Inactivation

- A&S-MinorCS :Minor in Canadian Area Studies
- PA-Cert-SE :Certificate in Social Entrepreneurship
- Rel-BA :BA with Major in Philosophy & Religion: Religious Studies Concentration
- UND-LANG :Go Global Academy Certificate

IV New Program

- Graduate Certificate in Artificial Intelligence and Machine Learning

Senate Approval is not required for the following report items

V Program Changes

- BA-MBA :Master of Business Administration
 - Change in degree requirements
- BA-MBA/JD :MBA/JD Combined Program
 - Change in degree requirements
- BME-MS-Accelerated :Accelerated and Combined MS Biomedical Engineering
 - Addition of Accelerated and Combined MS Biomedical Engineering
- EDUC-MEd :Master of Education
 - Change in degree requirements
- Engl-MA :MA in English
 - Change in admissions requirements
- Engl-PhD :PhD in English
 - Change in admissions requirements
- ISBE-Minor :Minor in Information Systems

- Change in minor requirements
- KIN-BS :BS in Kinesiology
 - Change in program requirements
- MBA-MSDS-Joint program in Master of Business Administration and Master of Science in Data Science
 - Change in degree requirements
- NUR-DNP :Doctor of Nursing Practice (DNP)
 - Change in admissions requirement
 - Change in degree requirements
- Nurs-PhD :Doctor of Nursing
 - Change in degree requirements
- PHE-MinorPH :Minor in Public Health
 - Change in minor requirements
- T&L-BSED-EE :BSED with Major in Elementary Education
 - Change in program requirements
- T&L-EdD :Doctor of Education in Educational Practice and Leadership
 - Change in degree requirements
 - Added Sport Leadership specialization
- UND-T&L :B.S.E.D. Secondary Education
 - Change in program requirements

VI Course Changes: Undergraduate

- ACCT 301 :Intermediate Accounting I
 - Prerequisite change
 - Corequisite change
- ACCT 320 :Cost Accounting
 - Prerequisite change
 - Corequisite change
- CSCI 161 :Computer Science II
 - Prerequisite change
 - Terms offered updated
- CSCI 242 :Algorithms and Data Structures
 - Revise course description
- CSCI 280 :Object Oriented Programming
 - Prerequisite change
 - Revise course description
 - Terms offered updated
- CSCI 327 :Data Communications
 - Prerequisite change
 - Revise course description
 - Terms offered updated

- CSCI 363 :User Interface Design
 - Prerequisite change
- CSCI 364 :Concurrent and Distributed Programming
 - Prerequisite change
- CSCI 365 :Organization of Programming Languages
 - Prerequisite change
 - Terms offered updated
- CSCI 370 :Computer Architecture
 - Prerequisite change
- CSCI 435 :Formal Languages and Automata
 - Prerequisite change
- MATH 400 :Methods for Teaching Middle and Secondary Mathematics; Pedagogical Content Knowledge
 - Prerequisite change
- MGMT 360 :Business Ethics and Social Responsibility
 - Typo updated
- RHS 350 :Overview of Disabilities
 - Prerequisite change
 - Terms offered updated
- RHS 497 :Internship in Rehabilitation
 - Change in credit hours from 9 to 1-12
 - Repeatable for credit updated from No to Yes
 - Total credits allowed updated to 24
 - Corequisite change
- T&L 413 :Assessing and Correcting Reading Difficulties
 - Prerequisite change
 - Corequisite change
 - Terms offered updated
- T&L 414 :Corrective Reading Practicum
 - Prerequisite change
 - Corequisite change
 - Terms offered updated

VII Course Changes: Graduate

- CSCI 999 :Dissertation –
 - Course title change to “Dissertation Research”
 - Total credits allowed updated from 12 to 60
 - Course component change from Thesis to Research
 - Terms offered updated
 - Revise course description
- EFR 502 :Issues and Trends in Education

- Prerequisite change
- MGMT 585 :Advanced Strategic Management
 - Prerequisite change
 - Terms offered updated
- NURS 509 :Foundations for Nurse Education
 - Prerequisite or Corequisite change
- NURS 608 :Healthcare Economics, Finance and Leadership
 - Terms offered updated
 - Revise course description
- PA 580 :Specialty Clerkship
 - Change in credit hours from 5-6 to 1-6
 - Change in repeatable for credit from No to Yes
 - Course component updated
 - Grading basis change from Graded to S/U
 - Terms offered updated
 - Revise course description
- T&L 541: History of Higher Education in the United States
 - Prefix change to HE
 - Terms offered updated
- T&L 544 :Assessment in Higher Education
 - Prefix change to HE
 - Terms offered updated

All faculty, including special appointments, with initial appointments prior to August 16, 2018, will be subject to the policies and procedures of the old Faculty Handbook shown below. All faculty, including special appointments, with initial appointments on or after August 16, 2018, will be subject to the policies and procedures of the new Faculty Handbook updated and approved in 2018. Please click [here](#) to access the new Faculty Handbook. All faculty, regardless of initial appointment date, will be required to use the new Faculty Handbook beginning in academic year 2021-2022.

Section I: Responsibilities and Privileges

I. Responsibilities of Faculty and Administrators

1. Faculty Responsibilities

Along with academic freedom and tenure, all faculty members recognize certain concomitant responsibilities to their students, their colleagues, to the University, and to the state and broader community.

To students, faculty members have a responsibility for:

1. Keeping abreast of current developments in their disciplines, continuously updating course content, improving the method of instruction, and regularly evaluating the effectiveness of their instruction;
2. Maintaining in their classrooms and elsewhere an intellectual and attitudinal environment in which students are stimulated to learn, to ask questions, and to explore alternative approaches to problems;
3. Respecting students as persons, being concerned about their progress, and being willing to hear their points of view without prejudice;
4. Informing students at the beginning of each semester of the objectives of each course and organizing the method of instruction and time allocation so as to meet those objectives;
5. Informing students as early as possible concerning term paper and other requirements for the course and the basis on which grades will be determined. Examinations and papers which are used for determining a course grade should be available to students for inspection and discussion. Students' grades should be based on recognized academic standards. Students should also be informed early in the course of the policy concerning attendance;
6. Holding classes and examinations as scheduled and, in the event of necessary absence, informing the students in advance of changes in schedule and making suitable alternative arrangements;
7. Being readily available to students for individual conferences relating to course work or other matters of concern and interest to students. Faculty should post a schedule indicating times when they will be available for consultation.

With respect to their colleagues, faculty members are responsible for:

1. Avoiding conduct which intentionally and substantially obstructs or disrupts teaching or other lawful activities on the University campus;
2. Respecting the rights of free inquiry and expression of opinion by their colleagues in accordance with the University's statement on academic freedom;
3. Acknowledging in their publications, the contribution which colleagues have made their research and other endeavors;
4. Evaluating or commenting fairly and objectively on the work of colleagues when peer evaluation is required for the purposes of promotion, curriculum assessment, and the like.

With respect to the University, faculty members have a responsibility for:

1. Participating in the committee work and other channels of self-governance on departmental, college, and University levels;
2. Observing the regulations of the University, which are designed to promote freedom for teaching

and research, and participating through orderly means in seeking modification in these regulations when these are considered inappropriate;

3. Indicating that when they are speaking as a private person they are not speaking for or representing the University.

Faculty members are encouraged to participate in endeavors for improvement of the economic, social, and cultural life to the community, especially when they have an expertise which may make their contribution particularly valuable, and when such a contribution can be made without interfering with their primary obligations for teaching and scholarly endeavor.

Approved: UND Senate, 11-04-71

SEE ALSO: UND Senate Minutes, 11-02-89, pp. 3337-3341 (Guidelines on Misconduct in Scholarly Activities), UND Faculty Handbook, Section II(V)(6) (Ethical Conduct in Research, Scholarship, and Creative Activity)

2. Administrator Responsibilities

The term "administrator" as used in this statement applies to the following positions at the University of North Dakota: The President, the vice-presidents, the deans, the department chairs and other directors of University programs and functions. The Statement on Faculty Responsibilities, adopted by the University Senate on November 4, 1971, applies equally to those administrators who exercise teaching responsibilities and/or hold faculty rank.

The University administrator has responsibilities in most of the following areas: Financial administration, faculty and personnel administration, administration of the educational program, relationships with students, responsibilities as a teacher, responsibilities with his or her colleagues for the committee work of the University, the promotion of extracurricular activities within the area of his or her concern, and the provision of services to his or her profession and to the public. In order to discharge these responsibilities, two essentials must prevail: The administrator has the responsibility for defining in writing and publishing where appropriate the scope of work and the duties of those who are responsible to him or her. Authority to discharge these duties must be commensurate with the responsibilities assigned.

Each administrator with faculty status continues and maintains (1) his or her responsibilities as a teacher and (2) his or her awareness of the nature of the student body and of the faculty's pedagogic concerns. Each administrator with faculty status should teach or advise as appropriate.

The University administrator should adhere to the following principles of democratic administration:

1. Respect for individuals
2. Faith in the power of human intelligence to solve problems
3. The right of each individual affected by policy formation or alteration to have an equitable part in the determination of that policy
4. The right to act through his or her chosen representatives
5. The right to equality of opportunity
6. The exercise of fairness
7. The right of each individual to appeal decisions and actions affecting him or her and the right of the individual to be informed of avenues of appeal

In the exercise of these basic principles, the administrator should nurture an atmosphere of mutual trust and honesty based on good communication.

The administrator also has a unique responsibility to keep abreast of the developments in his or her administrative field and to exercise leadership, which encourages innovation and the development of receptivity to new ideas. As a leader the administrator functions within his or her group as its spokesperson, harmonizer, planner, executive, educator, and symbol of its ideals.

Approved: UND Senate, 03-07-91

3. Communications Proficiency

Each institution shall establish a process for verifying communication skills, including the verbal and written English language proficiency of all personnel whose appointments include classroom instruction. The process must include procedures ensuring compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act and prohibit discrimination against a qualified individual with disabilities. The process must also guarantee protection against discrimination in violation of other rights protected under federal and state constitutions or laws and Board policies. Each institution shall:

- A. Develop the process and standards for validating and assessing proficiency through an inclusive process, which recognizes the needs of departments, programs, students, and faculty;
- B. Determine proficiency prior to employment;
- C. Provide a means of continuously improving communication proficiency of all instructors to meet or exceed defined standards;
- D. Establish a mechanism for students and personnel affected by this policy to register concerns related to the provisions of this policy;
- E. Periodically review the effectiveness of the policy and provide reports to the Board upon request; and
- F. Establish procedures to ensure compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act, as well as federal and state constitutions and laws. The procedures shall include a mechanism to identify otherwise qualified personnel who may be unable to demonstrate requisite proficiency due to a disability or because of race, religion or other protected characteristic.

[State Board of Higher Education Policy Manual, 11-19-99 , Section 609](#)
[SEE ALSO: North Dakota Century Code 15-10-13.1](#)

II. Oath for Teachers

Every member of the academic staff at university system institutions, before entering upon the discharge of their duties, shall execute the oath or affirmation required by N.D.C.C. section 15-10-13.2. The oath shall be executed in duplicate and one copy shall be filed at the institution and one copy given to the academic staff member.

[State Board of Higher Education Policy Manual, 04-18-02 , Section 610](#)
[SEE ALSO: North Dakota Century Code 15-10-13.2](#)

III. Appointments

1. Initial Appointment Procedures

A. Faculty Recruitment and Appointment Procedure (For Medical School Procedures see Section I, (III)(1)(B))

1. The department initiates and completes a REQUEST TO RECRUIT and forwards to the Vice President for Academic Affairs and Provost through the appropriate dean, with documents prescribed by the form attached. The Provost forwards documentation to Affirmative Action Officer (AAO).
2. The AAO reviews for affirmative action compliance. When affirmative action compliance has been approved, the complete set is returned to the Provost.
3. The Provost reviews the REQUEST TO RECRUIT for appropriate rank, title, salary level, position authorization (including funding and tenure-related status), and proposed advertisement contents. When approved, the Provost files one copy and distributes copies to appropriate offices.
4. Upon receipt of the approved REQUEST TO RECRUIT, the department proceeds to advertise, receive applications, send applicant control cards, interview, and screen candidates. When a preferred candidate is identified, the department initiates and completes a REQUEST TO APPOINT and forwards the set plus supporting documentation according to the AA/EEO Faculty Appointment Hiring Procedures Checklist to the Provost through the appropriate dean. The

- Provost forwards documentation to AAO.
5. The AAO reviews for affirmative action compliance. When approved, the complete set is returned to the Provost.
 6. The Provost reviews the entire file, consulting with the President as necessary. When approved, the Provost files one set and forwards copies to appropriate offices.
 7. Upon receipt of the approved REQUEST TO APPOINT, the department initiates a JOB DATA HIRE form and forwards it to the dean with the original approved letter of understanding and vita.
 8. The dean signs the JOB DATA HIRE form and, for ranked fulltime positions, prepares a contract. All copies of both forms are forwarded to the Provost along with all copies of the letter of understanding. (Note: Steps 7 and 8 can be done along with Step 4.)
 9. The Provost reviews and, when approves, (a) signs the contract, (b) mails the contract, ACADEMIC RECORD, and three (3) copies of the letter of understanding to the candidate.
 10. The signed contract, letters of understanding, and ACADEMIC RECORD are returned to the Office of the Provost. The Provost then forwards the copies of the appointment form, the ACADEMIC RECORD, the signed letter of understanding, and the contract to the appropriate offices.
 11. Initial call staff appointments start with the REQUEST TO APPOINT. They must be accompanied by a payroll form, a letter of understanding, and vita. Renewal lecturer and call staff appointments require a payroll form and a letter of understanding. In accordance with Senate action in March 1984, lecturers and non-ranked persons may be reappointed indefinitely. Ranked persons can be reappointed only up to three years.

Vice President for Academic Affairs and Provost, 11-14-02

1. University of North Dakota Criminal History Background Check Policy and Procedures for Employment

The University of North Dakota (UND) is committed to providing a safe and secure environment for all students, faculty, staff, and visitors; and to protecting its funds, property, and other assets. Well-informed hiring decisions contribute to this effort. Effective immediately, UND will conduct a criminal record background check (check) or a criminal history records check (check) on faculty, staff, and students hired for positions as indicated in this policy.

SBHE Policy/Procedure

The North Dakota State Board of Higher Education adopted SBHE Policy [602.3](#) requiring that each institution adopt a policy or procedure regarding checks on job applicants. Subsequently, the Chancellor adopted NDUS Procedure [602.3](#) authorizing positions for FBI checks. This policy and procedure is adopted to implement SBHE Policy [602.3](#) and NDUS Procedure [602.3](#) for job applicants at the University of North Dakota.

A. UND Policy/Procedures

1. As stated in SBHE Policy [602.3](#), a nationwide FBI check is required before beginning employment in the following positions, whether benefited or non-benefited:
 - a. Police officer; and
 - b. Security guard

A check of the sexual offender registry will also be conducted for these positions.
2. A check is required before beginning employment in the following positions, whether benefited or non-benefited:
 - a. President and Vice Presidents;
 - b. Residence hall and apartment manager or director and assistants;
 - c. Custodians and other employees with master keys or other means of unsupervised access to residence halls or secure buildings or facilities;
 - d. Child care employees and other employees who have unsupervised contact with children;
 - e. Employees responsible for or with access to or in receipt of controlled substances

- and other drugs, explosives or potentially dangerous chemicals and other substances;
- f. Counselors and coaches; and
- g. Employees who are required to meet Payment Card Industry (PCI) Data Security Standards compliance.

The check for positions in Section 2 may be conducted through the Federal Bureau of Investigation (FBI), the North Dakota Bureau of Criminal Investigation (BCI), or through the use of a private licensed vendor specializing in background checks. A check of the sexual offender registry will also be conducted for these positions.

3. A check will be done on current employees as deemed necessary by the guidelines above.
4. A check may be done for other positions as determined by the department head at the time of recruitment with concurrence of the Office of Human Resources pursuant to NDUS Procedure [602.3](#).
5. Checks will be used only to evaluate candidates/employees for employment purposes and will not be used to discriminate on the basis of sex, race, color, religion, age, physical or mental disability, status with regard to marriage or public assistance, sexual orientation or participation in lawful activity off the employer's premises during nonworking hours.

B. Procedures

1. Position announcements for positions requiring a check will include this statement: "A criminal history check will be conducted on the finalist prior to beginning employment."
2. An offer to the top candidate may be made "contingent upon successfully completing a criminal history check." Employment will not begin until results of the check are received for positions requiring a check.
3. A "Criminal History Background Check Authorization Form" [available on the Office of Human Resources (HR) website] will be obtained as part of the interview process. Declining to complete the authorization form will remove the candidate from further consideration for the vacancy. The form will be processed for the final candidate. Authorization is made with the understanding that the University of North Dakota reserves the right to withdraw the offer of employment or terminate employment if the results of the check are unsatisfactory.
4. Upon receipt of the "Criminal History Background Check Authorization Form" and recommendation for selection for hire, HR will process the authorization for the check with the appropriate agency or private licensed vendor. Costs associated with conducting the check will be incurred by the hiring department.
5. The Director of Human Resources in consultation with the supervisor or the department's HR manager, UND General Counsel and UND Chief of Police will determine clearance for employment. Disqualification of a candidate will be based on 1) falsification of application or authorization information, or 2) an unsatisfactory check as it relates to the position.
 - a. A discovery of falsification, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, will disqualify a candidate from employment consideration. If the candidate is a current employee, falsification may also subject the individual to disciplinary action, up to and including termination.
 - b. A previous criminal conviction does not automatically disqualify an applicant from consideration for employment with UND. Candidates' eligibility will depend on a variety of factors, such as the nature, severity, and frequency of the offense or offenses; the time elapsed since conviction and the rehabilitation record; the actions and activities of the individual since the offense or offenses, including the individual's subsequent work history; the truthfulness and completeness of the candidate's disclosure of the conviction(s); whether a criminal conviction has a direct bearing on the individual's ability to fulfill job duties and responsibilities; the risk to the safety and welfare of employees, students, the general public, or UND property; and any other relevant information.
 - c. If a decision is tentatively made not to hire an applicant (or to withdraw an offer) based on the results of the check, the Office of Human Resources will provide the appropriate notifications to the applicant/employee. The applicant/employee will have three working

days from the receipt of the notification to challenge the findings and an additional seven working days to successfully resolve it. If the findings are upheld, the Office of Human Resources will notify the individual of the non-selection. Although the federal Fair Credit Reporting Act (FCRA) requires notification procedures if an outside vendor is used to conduct the checks, this notification process will be followed even if an outside vendor is not used.

6. The Office of Human Resources will maintain check records in accordance with records retention guidelines and North Dakota open records law.

Approved 12-22-09, President Robert O. Kelley

B. School of Medicine and Health Sciences Appointment Procedure

1. The department initiates and completes the REQUEST TO RECRUIT form and forwards the form along with attachments to the Academic Affairs/Senior Associate Dean's Office.
2. The Senior Associate Dean, after consultation with the Office of Administration and Finance, verifies the proposed rank, title, salary level, position authorization and ad included in the REQUEST TO RECRUIT (including funding and tenure-related status).
3. The Senior Associate Dean reviews and forwards all paperwork to the Affirmative Action Office (AAO) for affirmative action compliance. When approved, AAO files one copy and returns the signed form to the Academic Affairs/Senior Associate Dean's Office. The Academic Affairs office forwards the REQUEST TO RECRUIT to the Dean/Vice President for Health Affairs office for signature.
4. The signed REQUEST TO RECRUIT is returned to the Academic Affairs office for distribution to the appropriate offices (originating department and AAO).
5. Upon receipt of the approved REQUEST TO RECRUIT, the department proceeds to advertise, receive applications, direct applicants to the applicant control card site (<http://und.edu/affirmative-action/apcontrolcard.cfm>), screen applicants' materials, and interview candidates. When a preferred candidate is identified, the department initiates/completes a REQUEST TO APPOINT form and forwards it along with all supporting documentation including the draft letter of understanding to the Academic Affairs/Senior Associate Dean's Office. When appropriate, the applicant's file is reviewed by the Committee on Promotion and Tenure (CPT). The Committee forwards its recommendation to the Academic Affairs Office and it is attached to the REQUEST TO APPOINT.
6. After final review of the REQUEST TO APPOINT packet by Academic Affairs/Senior Associate Dean's Office and the Office of Administration and Finance, the packet is forwarded to the AAO for confirmation of affirmative action compliance.
7. The approved packet is returned to Academic Affairs/Senior Associate Dean's office and forwarded to the Dean/Vice President for Health Affairs for review and approval. After the Vice President for Health Affairs has signed, the packet is returned to the Office of Academic Affairs for distribution to the appropriate offices (originating department and AAO). If the appointment involves a foreign national, the department must send a copy of the REQUEST TO APPOINT to International Programs,.
8. Upon receipt of the approved REQUEST TO APPOINT, the department forwards the letter of understanding to the applicant for signature. Upon receiving the signed letter of understanding the department forwards the original letter to the Office of Academic Affairs and the department initiates the appropriate hiring/appointment forms and forwards them to Administration and Finance office for review and approval. Copies of the hiring/appointment forms are forwarded to the office of Academic Affairs and are filed.

School of Medicine and Health Sciences, 1-28-13

2. Summer Teaching Appointment

The Summer Session student enrollment is approximately one-third that of a regular academic semester. However, the composition of the student body differs substantially with a larger proportion of students enrolled in the upper undergraduate and graduate courses. Efforts are made to provide variety in courses

from summer to summer, insofar as departmental and University needs permit. The basic full-time teaching load is 12 credits. Most departments elect to provide a wider scope of offerings by using partial appointments. The salaries are established on a flat rate for each academic rank and number of credits taught.

Formal appointments are usually issued in March. Appointment for summer is premised on continuing employment in the fall semester, unless the needs of the department and the University indicate exceptions. Faculty having nine-month contracts may be employed for up to three full months' salary providing the employment and/or salary payments do not violate state and/or federal regulations, University regulations, or the sponsoring agency's regulations.

Director of Summer Sessions, 11-08-02

3. Courtesy Appointment

A courtesy appointment is an academic appointment granted to a person who has been requested by the faculty to participate in the academic or research program of the college or University because of his unique qualifications and capabilities. A courtesy appointment is a non-tenure appointment and involves no remuneration.

In requesting a courtesy appointment, the faculty must show substantial evidence of the academic qualifications of the candidate, and the specific and unique need for the candidate's special qualifications in the college or University program.

State Board of Higher Education Policy Manual, 06-08-84 , Section [605.1](#)

Courtesy appointments will not normally last longer than two years. Exceptions to this must be approved by the Vice President for Academic Affairs.

Vice President for Academic Affairs and Provost, 11-14-02

4. Emeritus Status

Institutions may confer emeritus status upon retirement or after retirement to faculty or senior administrators or professionals (excluding emeritus status for presidents), pursuant to institution policies and procedures. Criteria for emeritus status may include, but are not limited to, length of service to the institution, significant contributions to the institution and the State of North Dakota, or particularly distinguished service to an academic discipline.

Emeritus status shall not include salary or other compensation or other rights, except privileges specified in institution policies or procedures.

State Board of Higher Education Policy Manual, 06-19-98 , Section 430. 2

A. UND Nomination Procedure

The Office of the Vice President for Academic Affairs calls for documented nominations from department/college offices for faculty to be considered for emeritus title. A documented nomination means that a paragraph should be included on each person (1) describing why the individual merits this distinction and (2) including dates of initial appointment and retirement. The Board has requested this information. Nominations will be reviewed and accumulated into a single list, which will be submitted to the President for approval and transmission to the State Board of Higher Education.

Vice President for Academic Affairs and Provost, 11-14-02

IV. Procedures and Guidelines for Employee Evaluations

1. Performance Evaluations: Benefited Employees

1. All benefited university system employees shall have an annual written and verbal performance development review that includes evaluation of performance based upon mutually agreed upon development plans or goals. Procedures governing faculty shall be consistent with requirements stated in Policy [605.1](#). Requirements for employees included within the broadbanding system are stated in Section 17 of the NDUS Human Resource Policy Manual; those requirements shall also apply to all other employees except faculty.
2. All merit pay increases must be supported by current written performance reviews and consistent with a salary administration plan adopted under policy [702.4](#)

[State Board of Higher Education Policy Manual, 06-21-01 , Section 604.3](#)

2. UND Procedures and Guidelines for the Evaluation of Tenured and Non-Tenured Faculty

Procedures and guidelines for the evaluation of tenured and non-tenured faculty are established to provide the means whereby the performance of individual faculty members and their contributions to the University community may be equitably assessed and documented.

The uniqueness of individual faculty members, and the departments of which they are a part, has been acknowledged in the development of these guidelines and procedures; and because of that uniqueness, the main responsibility for implementation of evaluation procedures has been placed in the departments. Review of the departmental procedures by the college and the Council of Deans has been established to provide equity of assessment throughout the University community.

Evaluation instruments are the means whereby information is gathered to provide a basis for evaluation. They do not constitute an evaluation in themselves. "Evaluation" in the terms of these guidelines is the process whereby the information acquired by evaluation instruments, i.e., peer and student evaluation questionnaires, administration and external comments, etc., are analyzed and evaluated to determine the quality of performance by an individual faculty member, as measured against the criteria and objectives set by the department.

UND Senate, 01-16-75

3. UND Policy on Evaluation of Teaching

The evaluation of teaching as two distinct purposes: formative and summative. Formative evaluation is that which gathers information for the use of the instructor in improving his or her own teaching. Summative evaluation gathers information to be used by colleagues and administrators for the purpose of making decisions about retention, tenure, promotion, and merit salary increases.

Although the policy set forth here applies only to summative evaluation of teaching, the information collected in the course of the evaluation process may also be used for formative evaluation when appropriate. It is important to note, however, that information gathered solely for purposes of formative evaluation is intended only for the use of the faculty member, and should be used in summative reviews only with his/her permission.

1. Frequency and Extent of Evaluation

The teaching performance of all instructors, regardless of their academic rank or tenure status, is subject to evaluation annually.

* All faculty, regardless of status (probationary, tenured, and non-tenure track), must be evaluated as part of the annual review process, as well as for decisions regarding tenure and promotion. In

each case, the faculty member being evaluated is expected to provide evidence of effective teaching in the form of at least three sources of data, one of which must be students. (See below for a list of potential sources of data.)

* Graduate teaching assistants must be evaluated annually as well, in a manner appropriate to their teaching assignment.

2. Aspects of Teaching to be Evaluated

The evaluation process should reflect the full range of teaching activities, including classroom teaching, mentoring, course and curriculum development, laboratory, clinical, or studio supervision, direction of independent research projects, scholarly/grant activity related to teaching, learning assessment activity, advising, etc.

Although it is important to acknowledge the unique nature of each individual's teaching situation, and to set flexible standards accordingly, it is expected that all instructors will be able to show evidence of these five basic hallmarks of good teaching:

- i. respect for students
- ii. command of the subject matter
- iii. careful preparation
- iv. effective communication
- v. continuing professional growth

3. Roles of the Various Parties

Role of the College. It is the role of the college to ensure that evaluation of teaching is conducted in a fair and reasonable manner, and with as much consistency as possible across the college. In addition to the expectations outlined here, each college may specify other aspects of teaching to be evaluated and other sources of data on teaching to be supplied by the department and/or faculty member.

Role of the Department. It is the role of the department to set reasonable expectations in regard to teaching, to communicate those expectations clearly, and to assist and support faculty in their professional development as teachers. Toward this end, each department shall develop a written statement of expectation for effective teaching within the department. At minimum, this statement should address the basic expectations outlined in (2) above. In addition to university and college expectations, each department may specify other aspects of teaching to be evaluated, additional expectations to be met, and additional documentation materials to be supplied by the faculty member. The department's statement on teaching evaluation policy should be kept on file in the department, distributed to each department member, and attached to all recommendations regarding retention, tenure, promotion, and reward going beyond the department. The department should also be prepared to assist faculty in meeting departmental expectations, and/or to refer them to appropriate campus resources to support their teaching.

Role of the Faculty Member. It is the role of the faculty member, in collaboration with the department chair, to take an active part in his or her evaluation by providing materials that give a complete picture of his/her teaching, by organizing those materials in an accessible manner, and by making herself/himself available for discussion of those materials with peers and administrators. In addition to materials required by the department, college, and university, the individual faculty member may submit any additional materials deemed appropriate to the evaluation process.

4. Potential Sources of Data

As noted earlier, each faculty member being evaluated is expected to provide evidence of effective teaching in the form of at least three sources of data in consultation with the chair, one of which must be students.

Student-Provided Data - may be gathered using the USAT or other student feedback forms, and/or by carefully documenting student feedback gathered by the department chair or immediate teaching supervisor. All student data will be offered voluntarily.

The other two sources of data to be used in the evaluation of teaching may vary from one department to the next. They include:

Instructor-Provided Materials/Portfolios - may include reflective statements on teaching, syllabi, descriptions of class activities, writing assignments, tests, videotapes, evidence of scholarly activity related to teaching, lists of classes taught, independent projects or theses supervised, graduate committees served on, reports on course or curriculum development work, written responses to student feedback, etc.

Documented Evidence of Student Learning or Performance – student work samples, performances, test results, etc.

Documented Data from Peers - based on formal observation of classroom teaching, review of teaching materials/portfolios, or observations of other teaching-related work (in graduate committees, curriculum planning sessions, etc.)

Documented Data from the Chair - based on formal observation of classroom teaching, review of teaching materials/portfolios, or observations of other teaching-related work (in graduate committees, curriculum planning sessions, etc.)

5. Use of Student Feedback

NDUS policy states that "evaluations of all teaching faculty must include significant student input" (Section: [605.1.6](#) - Academic Freedom and Tenure; Academic Appointments). In order to present a broad and accurate view of teaching, summative data should be gathered regularly, from a wide range of classes over several semesters. It is the responsibility of the department and/or college, to create appropriate mechanisms for gathering student input.

Informal Feedback. In addition to soliciting formal feedback for summative purposes, faculty are encouraged to solicit frequent informal feedback for purely formative purposes--that is, for the sole purpose of improving teaching and learning. Informal feedback may take the form of SGIDs, informal surveys, or other classroom assessment techniques and may be used by the individual teacher as he or she sees fit. Unless and until the instructor chooses to offer such data to evaluators, it should not be part of the evaluation process.

Mixed Data. When formal numerical data is mixed with informal written data, as is often the case with student feedback forms, only the numerical data will be reported to the chair and dean. However, because it is important that teaching not be reduced to a numerical rating, it is recommended that faculty share student written comments with evaluators as well. At the same time, because written student comments represent only the perspective of those who choose to make them, it is also recommended that department and college evaluators recognize the limitations of such data and seek to corroborate it using other sources. Because written data provided by students on anonymous end-of-semester questionnaires is protected by FERPA (Family Educational Rights and Privacy Act), all reasonable care must be taken to see that such data is not traceable to individual students.

Aggregate Data. Aggregate data from the USAT forms will be compiled by the Office of Institutional Research and distributed to individual faculty members, department chairs, and deans. Any other aggregate data used for comparison purposes in the evaluation of individual faculty members should also be made available to those faculty members.

6. Evaluation of Online Instruction

For program, course, and faculty evaluation purposes, the same access that is appropriate for

evaluation of traditional instruction shall be provided for online instruction. The instructor will be provided with notice of the temporary access that is sought for evaluation purposes. Protection will be provided for private student information and for portions of online material that have been designated as limited to the instructor and the students.

UND Senate, 11-04-10

V. Promotions

1. Academic Ranks of UND Faculty

To the extent each characteristic is called for by the promotion candidate's contracts and tenure plans, the ranks in faculty of the University of North Dakota, and the characteristics of each rank are:

PROFESSOR

- Recognition for teaching excellence
- Recognition for scholarly and/or creative accomplishment
- Recognition for leadership within his or her profession
- Recognition for demonstrated spirit of concern for society

ASSOCIATE PROFESSOR

- Marked teaching effectiveness
- Scholarly and/or creative accomplishment
- Substantial contribution to his or her profession
- Demonstrated spirit of concern for society

ASSISTANT PROFESSOR

- Effective as a teacher
- Scholarly and/or creative endeavor
- Active in his or her profession
- Spirit of concern for society

INSTRUCTOR

- Promise as a teacher
- Interest in his or her profession

Approved: UND Senate, 01-08-70 ; amended 02-05-98

2. Criteria for Promotions in Rank

Promotions in rank are initiated by a written recommendation from the department chairs to the dean of their college or school. This recommendation must include a thorough evaluation of the qualifications of the candidate. This evaluation must take into account, and speak with reference to, the tenure plan or plans under which the candidate has served, specifying the candidate's duties and goals, identified by the candidate's contract(s) as required by Board of Higher Education Policy Manual §[605.1](#) Subpart 3 b. (1) and (2). Recommendations are then submitted to the Vice President for Academic Affairs/Provost who, after seeking recommendations from the University Promotions Committee and a committee of deans, makes a recommendation to the President. In accordance with State Board Policy [305.1.3.d](#), the President will approve or disapprove the recommendation.

Promotions are regarded as recognition of superior intellectual attainment as evidenced both in teaching and in distinctive contributions to one's discipline or profession. A truly effective faculty member will

also demonstrate a commitment to society. While individuals will possess these qualities in varying degrees, they will be considered for promotion on the basis of the following criteria as specified to be pertinent to the individual in her or his contract(s) and tenure plan(s) identified in such contract(s):

A. Teaching

Effective teaching is an indispensable criterion for promotion. Evidence of effective teaching need not be restricted to formal classroom or seminar activity, but may include such things as the direction of graduate studies and contributions to curriculum design and implementation. Since there are a number of ways in which a faculty member may be a demonstrably effective teacher, no firm guidelines for judging this qualification are suggested. Rather, it shall be the responsibility of the department chairperson to submit meaningful statements, accompanied by whatever evidence or documentation he or she deems appropriate, concerning the candidate's effectiveness in various types and levels of instruction.

B. Contributions to One's Discipline or Profession

A second indispensable criterion for promotion is evidence of noteworthy contributions to one's discipline or profession in the form of research and creative work and/or outstanding professional competence and activity.

1. Research and creative work: Evidence of scholarship and creative work is found in the candidate's published research or recognized literary or artistic productions. Research publication and other creative accomplishments are to be evaluated, not merely enumerated, and there should be evidence that the candidate is continuously and effectively engaged in creative work of high quality and significance.
2. Professional competence and activity: Contributions to one's field are often in the form of demonstrated distinction in the special competencies characteristic of the profession or discipline. Recommendations based on this criterion should be accompanied by evidence of leadership in the field and progressiveness in the development and implementation of new approaches and techniques for the solution of professional problems.

C. Contributions to Society

Other areas of activity are recognized as crucial to the effective functioning of the University. A faculty member may contribute special knowledge to the benefit of society as a whole, and may serve the University in administrative roles, committee memberships, and the like. It is expected that all faculty members will devote a certain amount of time and effort to these functions.

More detail is available from the Academic Affairs Office.

Approved: UND Senate, 01-08-70 ; revised 02-05-98

3. UND Senate Procedural Guidelines for Promotion

The procedures set forth below should not be interpreted so as to diminish the department chairperson's or dean's continuing responsibility to counsel faculty under his or her administrative jurisdiction as to their professional performance and development. It is assumed that that responsibility will have been met in the determination or determinations, annually or as made, regarding the tenure plan for the person under consideration and thus the terms and conditions of employment and continued employment under the annual (or other) contract(s).

A. Initiation of Promotion

1. Recommendations are normally initiated within the department either by the faculty member desiring promotion, a department committee, or the department chairperson. Because of the close and frequent professional association between the initiating committee or the department chairperson and the faculty member, appropriate consideration should be given to the chairperson's recommendation at all stages of the reviewing process. If the recommendation is negative, the faculty member must be informed in writing by the department chairperson of the basis for the recommendation.

2. In addition to the normal procedure described in A.1 above, eligibility for promotion will be reviewed for instructors in their fourth year in rank, assistant professors in their sixth year in rank and associate professors in their seventh year in rank whenever promotion to the next rank has not been recommended earlier. The review is normally initiated in the department as described in A.1 above. A faculty member may, in writing, withdraw a consideration of a promotion at any level of review. The time periods specified above are not intended to indicate the normal or usual time spent in a particular rank prior to promotion. The criteria for evaluation of promotion should be the same regardless of when such a review occurs. For persons hired at mid-year, the half year of service shall count as a full year toward promotion.

B. The Reviewing Process

1. **Recommending Authorities.** Promotions are normally made by the President upon recommendation by the department chairperson, the dean of the college or school involved, and the Vice President for Academic Affairs.

All recommendations from the department chairperson, the dean, and the Vice President for Academic Affairs, must be in writing, and each must include a statement supporting the recommendation. Both the recommendation and the statement must be made part of the promotion file. After each recommendation is made, the candidate for promotion must be informed of said recommendation and must be given access to the promotion file in order to review the recommendation and respond, if desired, in the form of a written statement, to any material in his or her promotion file.

2. **Groups and Persons Advisory to the Recommending Authorities.** The department chairperson must seek the advice of a department committee. The Vice President for Academic Affairs must seek the advice of a University Promotion Committee appointed by the President, and of a committee of four or more deans selected by the deans and including the Graduate Studies Dean. Except for the committee of deans, all advisory groups must be composed of faculty. All advisory groups must record votes for and against promotion, and the record of the votes must be made a part of the promotion file. All written advice must be part of the promotion file.
3. Promotion reviews will take place in the Fall semester. When a faculty member is being reviewed for tenure and promotion during the same academic year, recommendations at all levels are to be made simultaneously but on appropriate forms, and care is to be taken that appropriate forms are forwarded to the various advisory bodies. The faculty member being reviewed for promotion and tenure in the same academic year may submit the same supporting materials for both processes.

C. Appeals Procedure

1. **Special Review Committee**
 - a. If a faculty member alleges, within sixty calendar days of official notification of the President's decision, that the institution's procedural guidelines as described in sections A and B above were violated, the allegations shall be given preliminary consideration by the Special Review Committee, which shall seek to settle the matter by informal methods. If the allegation is unresolved at this stage, the Special Review Committee shall refer the matter to be heard by the Standing Committee on Faculty Rights in accordance with the procedures in section C.2.
 - b. If a faculty member alleges, within sixty calendar days of official notification of the President's decision, that his or her rights, other than those relating to procedural guidelines as described in sections A and B above, were violated, the allegation shall be heard by the Standing Committee on Faculty Rights in accordance with the procedures in section C.2.
2. **Standing Committee on Faculty Rights**
 - a. The committee may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties in order to (a) simplify the issues, (b) effect stipulations of facts, (c) provide for the exchange of documentary or other information, and (d) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

- b. Service of written notice of hearing including specific grounds for the institution's contested action shall be made at least twenty calendar days prior to the hearing. The faculty member may respond in writing up until three working days before the hearing. The faculty member also may waive a personal appearance and request a decision on the basis of the written statement.
- c. During the proceedings, the institution shall be entitled to have counsel, and the faculty member will be entitled to have an academic advisor and counsel of his or her own choice and at his or her own expense. In addition, either party or the committee may invite up to two observers each to attend the proceedings.
- d. A recording of the hearing or hearings shall be made at the institution's expense and be accessible to both parties. The faculty member shall be provided a copy of the record upon request, without charge. The faculty member may request a written transcript of all or a portion of the record. The faculty member shall be provided a copy of such transcript without charge. The findings of fact and the decision shall be based solely on the hearing record. If the faculty member succeeds in establishing a prima facie case before the committee, it shall be incumbent upon those who made the promotion recommendation to come forward with evidence in support of their decision.
- e. The committee may admit any evidence, which is of probative value in determining the issues involved. Every reasonable effort shall be made to obtain the most reliable evidence available. The committee shall grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- f. The faculty member shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The faculty member and the institution shall have the right to confront and cross-examine all witnesses. Where a witness cannot or will not appear, but the committee determines that the interests of justice require admission of the witness' statement, the committee shall identify the witness, disclose the statements and, if possible, provide for interrogatories.
- g. The committee's conclusion as to whether or not grounds to support the institution's action have been established by the evidence in the record shall be reported to the President. The President shall notify the committee and the faculty member of the President's decision, within fifteen calendar days of receiving the report. The faculty member or committee may submit a written response to the President's decision.

Approved: UND Senate, 03-04-82 ; 03-01-84 ; 02-05-98 ; revised 5/98.

Promotion of Special Appointment Faculty

Promotion of faculty who do not have probationary or tenured appointments requires the adoption and application of appropriate departmental standards for promotion. In the absence of an approved plan for a specific college or school, the process used for evaluation of such promotion applications will be identical to the process for consideration of probationary and tenured faculty, with the exception that the final level of decision-making shall be the appropriate Vice President (Academic Affairs or Health Affairs).

Approved by University Senate, March 3, 2011

SEE ALSO: [North Dakota Century Code 44-04-19](#) [Access to public meetings], [44-04-20](#) [Notice of public meetings], [44-04-21](#) [Open voting at public meetings required]

VI. Academic Freedom

1. General Principles:

The primary responsibility of the academic community is to provide for the enrichment of intellectual experience. Essential to the realization of this ideal is a free and open academic community, which takes no ideological or policy position itself. The responsible academic community welcomes those who do take an ideological or policy position and jealously guards their right to do so. Conflict of ideas cannot occur unless there is opportunity for a variety of

viewpoints to be expressed. Toleration of what may be error is an inescapable condition of the meaningful pursuit of truth. The academic community must be hospitable even to closed minds, and it must welcome the conflict of ideas likely to ensue. Academic responsibility to provide opportunity for expression of diverse points of view generates academic freedom.

2. Faculty:

Faculty members are entitled to full freedom in research and in the publication of results, subject to the adequate performance of their other academic duties. They are also entitled to freedom in lecturing or conducting demonstrations in their subject or field of competence. They are entitled, as any other member of the community in which they live, to establish membership in voluntary groups, to seek or hold public office, to express their opinions as individuals on public questions and to take action in accordance with their views. Cognizant of their responsibilities to their profession and to their institution, faculty accept certain obligations; they should attempt to be accurate, to exercise sound judgment and respect the rights of others to express opinions. They must make clear that their actions, their statements, and their memberships do not necessarily represent the views of the academic community. If there are controls to be exercised over faculty members, they are the controls of personal integrity and the judgment of the colleagues.

3. Students:

Students are entitled to be taught by unfettered teachers and to have access to all information pertinent to their subjects of study. They are entitled to as complete freedom as possible in the selection of their curriculum, teachers, and associates. Moreover, they have a right to intellectual disagreement with their instructors and associates and to question them without fear of recrimination or punishment. They also are entitled to seek the publication of their views, to seek membership in voluntary groups, to seek or hold public office, and to take lawful action in accordance with their views. Students also have the responsibility to make clear that their actions, memberships, and statements do not represent the views of the academic community.

4. Guest Speakers, Movies, and Other Programs:

A college or university by its very nature cannot pay lip service to the concept of freedom of expression and then deny persons with whom it is in disagreement the opportunity of giving expression to their views. Furthermore, a policy that extends the right of freedom of expression to some persons and denies to the others, places the institution in the position of endorsing the past records and views of those who are given permission to speak. Therefore, a speaker, performer, or program may be presented under the sponsorship of any duly recognized student, faculty, or administrative organization or any individual officer of instruction. It is not necessary that the point of view presented be congenial to the campus, members of the staff or student body individually, or to individual members of the wider community. The speaker must be accorded the courtesy of an uninterrupted presentation. Except for ceremonial occasions, speakers must accept as a condition of their appearance the right of their audience to question or challenge statements made in their address. Questions must be permitted from the floor unless prevented by physical limitations, or the size of the audience. The invitation or scheduling of such a program must represent the desire of the institutional sponsor and not the will of external individuals or organizations. The sponsor must establish full responsibility for the program and should help to establish the concept that the point of view expressed in an address or performance does not necessarily represent the position of the academic community. Such presentations must at all times be consistent with the laws of North Dakota and the United States .

[State Board of Higher Education Policy Manual, 05-11-84, Section 401.1](#)

VII. Political Activities

The Board of Higher Education recognizes the importance of, and encourages, participation by individuals in the political, social, and economic affairs of the community, state, and nation. While the Board respects the deep concern of individual faculty members and students about current events and issues, and the committed desire to participate actively in elections, the Board must emphasize the distinction between involvement of an individual and involvement of an institution. The Board affirms its traditional concern of the well-being of the society, at the same time, the institution must remain outside the political arena. Adjustment of the academic calendar in order to free students, faculty, or other

employees to engage in political activity is not consistent with the foregoing affirmation.

This policy does not bar anyone from active independent participation in political campaigns on behalf of candidates of his or her choice or in the advancement of his or her political beliefs or policy concerns outside the institution. In fact, active participation by all Americans in the political process, which is fundamental to the democratic way of life, is encouraged.

The Board does not believe it legitimate or wise for a college or university to make political commitments. Further, institutional participation in political activity, however worthy that activity might be in itself, would raise many legal questions.

The fundamental issue is the corporate involvement of an institution and any action that might involve institutional political unanimity, which would not represent the views of all members of the academic community.

There is a danger that an institution could evolve toward a kind of political orthodoxy, which in certain circumstances might even inhibit and discourage the expression of other opinions.

Any disruption of the normal processes of education at any institution endangers the very heart of our institutions; namely, freedom of inquiry, freedom of thought, and freedom of expression. Every effort must be made to make it as easy to present opposing viewpoints as it is for someone to express his or her views initially. An institution is not a place where anyone expressing a point of view, however much he or she is in minority, can be either silenced or threatened with language or physical actions. The common standards of courtesy that should characterize the academic community must be respected.

While class attendance may be no longer required in some institutions, every student has a right to expect every class for which he or she is registered to be held according to the university or college class schedule. In event of any class disruption or strike, students who choose to attend class must be able to do so without fear of intimidation or injury. Classes will be held in accordance with the academic calendar, and all members of the faculty are obliged to meet assigned teaching responsibilities.

A university or college must always be a place of learning, a place for discussion, a place to hear differing opinions, a place for dissent, but such dissent must be made in a rational, lawful, and peaceful manner. It must be made with due respect for the rights of others. While the Board protects the rights of all those who choose to dissent in peaceful and lawful ways, it must defend, with all the power at its command, the rights of others when any actions by dissenters are clearly disruptive of the work and program of the university or college.

*[State Board of Higher Education Policy Manual, 05-11-84, Section 401.2](#)
SEE ALSO: [North Dakota Century Code 34-11.1-02](#) [Political Activities], [34-11.1-03](#) [Membership in organizations], [34-11.1-04](#) [Violations for misuse reported by employee], [34-11.1-05](#) [Prohibited acts], [34-11.1-06](#) [Penalties or threats prohibited]*

VIII. Academic Tenure

1. State Board of Higher Education Regulations on Academic Freedom and Tenure, Academic Appointments; and UND Procedures Implementing State Board of Higher Education Policy; Reviewed and approved, UND Standing Committee on Faculty Rights, 2006.

(Board Policy is in lightface type; UND implementation procedure is printed in **boldface** type.)

A. Academic Freedom and Tenure; Academic Appointments

1. General Principles

- a. A college or university is a forum for ideas, and it cannot fulfill its purpose of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of

content and method. Academic freedom and tenure are both important in guaranteeing the existence of such a forum. This policy is intended to enable institutions under the authority of the Board to protect academic freedom.

- b. The purpose of tenure is to assure academic freedom. Academic freedom applies to all scholarly pursuits. Freedom in scholarship is fundamental to the advancement of knowledge and for the protection of the rights of the faculty members and students. It carries with it duties and responsibilities correlative with rights. These duties and rights are set forth in policy [401.1](#), relating to Academic Freedom, and the 1940 Statement of Principles on Academic Freedom and Tenure (Rev. 1990), adopted by the American Association of University Professors and the Association of American Colleges. These policies apply to all institution faculty unless otherwise indicated.
 - c. Tenure is awarded by the Board upon recommendation of the Chancellor, following review and recommendations made pursuant to the procedures established at the institution and a recommendation by the institution's president to the Chancellor. A favorable recommendation means that the applicant meets all of the prerequisites and criteria and the award of tenure is consistent with the sound fiscal management and academic priorities of the institution and the system of education under the control of the Board. Tenure recommendations submitted to the Board shall include a brief summary of the candidate's qualifications and reasons for the recommendation. Tenure is not an entitlement, and the granting of tenure requires an affirmative act by the Board. Tenure is limited to the academic unit or program area in the institution in which tenure is granted and shall not extend to an administrative or coaching position.
2. Definitions of terms used in sections [605.1](#), [605.2](#), [605.3](#), and [605.4](#)
- a. "Academic Year" means the period, approximately nine months in duration, starting with the beginning of the Fall semester and ending following completion of the Spring semester.
 - b. "Board" means the North Dakota State Board of Higher Education. [No implementation required]
 - c. "Faculty" means all members of the academic staff, excluding only coaches and administrators in their capacities as coaches or administrators. [No implementation required]
 - d. "Receipt" means either actual or constructive receipt. Constructive receipt means the sending party has taken all reasonable steps to ensure that the receiving party has received actual notice. [No implementation required]
3. General Procedures
- a. Because of the variety of scope and organizational structure of the institutions under the control of the Board, the faculty governance structure at each institution, in accordance with section [305.1](#) of these policies, shall recommend procedural regulations to the president to implement policies [605.1](#), [605.2](#), [605.3](#) and [605.4](#), including:
 - i. procedures for continuing evaluation of both probationary and tenured faculty members; and
 - ii. criteria and procedures by which faculty members are evaluated and recommended for tenure.
 - b. The criteria for tenure evaluation and continuing evaluation of probationary and tenured faculty shall include scholarship in teaching, contribution to a discipline or profession through research, other scholarly or professional activities, and service to the institution and society. Institutions may adopt additional criteria. The regulations defining these criteria shall be consistent with the nature and mission of the institution.
 - i. Institutions shall establish various tenure "plans" appropriate to the diverse missions of individual institutions, designed to encourage emphasis on research, scholarship in teaching (including, for example, utilization of technology in teaching and innovative teaching methods), service (including, for example, technology transfer and economic development) and other areas of emphasis. Institution regulations shall include guidelines for determining weight to be given each of the criteria for tenure evaluation and continuing evaluation. The guidelines shall provide for varying emphases on the enumerated criteria based upon the faculty member's plan, the needs of the institution and the background, abilities and interests of the faculty

- member.
 - ii. Tenured and probationary faculty contracts shall identify the faculty member's tenure plan and describe the faculty member's duties and goals. The contracts shall specify the weight to be given the criteria for evaluating performance. The contract provisions shall be reviewed and, when appropriate, revised as a part of the faculty member's periodic evaluations.
 - c. Eligibility for tenure requires a probationary period of six years of continuous academic service to the institution, during which the faculty member is evaluated at least annually according to an evaluation process designed to foster continuous improvement. The term may be extended beyond six years or the continuous service requirement may be waived in exceptional circumstances. Institutions shall establish procedures for granting extensions or waivers of the continuous service requirement in exceptional circumstances, which must include maternity or parental leave and appropriate accommodations for faculty members with disabilities. Institution procedures may define additional exceptional circumstances including, for example, family emergencies or extended illness.
 - d. An institution may, subject to procedural requirements stated in this policy and sections [605.2](#), [605.3](#), and [605.4](#), decline to renew the contract of a probationary faculty without cause at any time during the probationary period.
4. Faculty appointments shall be probationary, tenured or special.
- a. PROBATIONARY APPOINTMENTS are renewable annually and yield credit toward tenure. The probationary term is limited to six years of continuous academic service, excluding extensions to the term or exceptions to the continuous service requirement granted in exceptional circumstances.
 - i. An individual with previous professional experience may, at the discretion of the institution, be given tenure credit not to exceed three years for this experience, with such credit to be regarded as academic service to the institution for the purpose of these regulations. The faculty member shall be informed in writing of this policy and the institution's decision prior to or at the time of appointment.
 - ii. Time spent on leave of absence or developmental leave may be counted, up to a maximum of two years, as academic service for the purposes of these regulations. The amount shall be determined, and the faculty member informed in writing, including any applicable conditions, prior to authorization of the leave.
 - b. TENURED APPOINTMENTS recognize a right, subject to Board policy, to continuous academic year employment in an academic unit or program area as defined by an institution and stated on the contract. A faculty member shall qualify to be recommended for a tenured appointment by satisfying the criteria for tenure developed in accordance with subsection 3 of this policy.
 - i. The following persons are not eligible for tenured appointment:
 - a. Faculty members with a part-time or temporary appointment. However, faculty members who have been awarded part-time tenure as established by previous Board policy and those who accept a part-time appointment after being awarded tenure in a full-time position shall continue to have such tenure recognized.
 - b. An institution's president.
 - ii. The Board may, following review and recommendations made pursuant to the procedures established at an institution award tenure in exceptional circumstances, defined by the institution's procedures, to an institution's chief academic officer or to any other person appointed to the faculty who has not met the eligibility requirement of subdivision 3(c) of this policy, provided that the person, at the time tenure is granted, has:
 - a. held a tenured appointment at another institution, or
 - b. been a faculty member at the institution for at least one prior academic year.
 - iii. The Board may, following review and recommendation made pursuant to the procedures established at an institution award tenure in exceptional circumstances, defined by the institution's procedures, to any person appointed to the faculty who has not met the eligibility requirements of subdivisions 3(b) and 3(c) of this policy,

provided that the person has a documented record of outstanding achievement and consistent excellence in a discipline or profession gained through research, scholarly or professional activities, or service.

- c. SPECIAL APPOINTMENTS do not involve either tenure credit or status. Special appointments are all appointments except tenured or probationary appointments, including:
- i. Courtesy adjunct appointments awarded in accordance with Board policy to professional people who contribute to the academic or research program of the institution; [No implementation required]
 - ii. Visiting appointments for people holding academic rank at another institution of higher education; [No implementation required]
 - iii. Appointments of retired faculty members on special conditions; [No implementation required]
 - iv. Initial appointments supported wholly or partially by other than state appropriated funds; [No implementation required]
 - v. Appointments clearly limited to a brief association with the institution, as defined by the institution;
 - vi. Terminal appointments given with notice of non-renewal to faculty members who were previously on probationary appointment. A terminal appointment with notice of non-renewal must be given to a faculty member no later than the end of the sixth year of probationary appointment if the decision is made to deny tenure; [No implementation required]
 - vii. Part-time faculty;
 - viii. Lectureship appointments, which shall be for performance of specifically assigned academic duties only, without general faculty responsibilities;
 - ix. Members of the faculty appointed to lectureship positions, who wish to serve on the University Senate, University Senate Committees, and or the Council of College Faculties may do so. Membership or service does not change appointment criteria outlined in NDUS policy.
 - x. Graduate teaching assistant appointments; [No implementation required]
 - xi. Postdoctoral fellowships and clinical appointments; and
 - xii. Other faculty appointments, not probationary or tenured, that are designed to help fulfill the institution's mission or meet long-term needs. The appointments shall be subject to an agreement describing the faculty member's duties and goals, criteria and weight assigned each criteria for evaluation. The term of an appointment and agreement, or renewal thereof, may not exceed three years. The faculty member's performance and achievement of goals shall be evaluated during the final year of an appointment. An appointment may be renewed only if the evaluation demonstrates satisfactory performance.
5. The general terms and conditions of appointment shall be provided the appointee in a written contract. The contract shall state whether the appointment is probationary, tenured or special. The term of a contract, except contracts made pursuant to paragraph 4(c)(xi), shall generally not exceed one year. A multiple-year contract must be subject to termination upon discontinuance of the program in which the faculty member is employed, non-appropriation or loss of funds, or other financial exigency. For faculty on nine- or ten-month contracts covering the traditional academic year (generally, August to May), institutions shall, not later than June 30 each year, provide notice of renewal terms with a contract, agreement or appointment letter to be signed by both parties. Absent good cause or agreement extending or establishing a different deadline, faculty must sign and return a contract or other document indicating acceptance of contract terms not later than July 20. Institutions shall establish procedures providing that failure to return a signed contract or other document indicating acceptance of contract terms by July 20 constitutes a resignation resulting in termination of employment, effective July 20, except for good cause shown by the faculty member or unless the institution has granted an extension. Prior to the end of the spring semester each year, institutions shall provide notice to faculty summarizing the process and deadlines for contract renewal, including information on extending deadlines to accommodate faculty who may be traveling or not able to readily receive and respond to communications during summer months.
6. The institutional process for evaluation of faculty, the criteria and minimum expectations for

promotion and for tenure, and provisions concerning required notices, shall be made known to the appointee at the time of appointment. This disclosure may be accomplished by a published description of the process, criteria, and expectations in a faculty handbook or similar document. Such provisions are subject to change according to processes established for adoption or amendment of Board and institutional policies. Institution procedures shall provide for annual evaluation of all full-time faculty. The procedures shall include provisions requiring that evaluations are completed in a timely and appropriate fashion and that the institution takes appropriate remedial action in response to unsatisfactory evaluations. Evaluation criteria shall relate to a faculty member's duties and goals and be appropriately weighted in accordance with the terms of the faculty member's contract. Evaluations of all teaching faculty must include significant student input.

[State Board of Higher Education Policy Manual, 11-16-01 , Section 605.1](#)

B. Standing Committee on Faculty Rights

1. Each institution shall have a Standing Committee on Faculty Rights consisting of three or five tenured faculty members elected for staggered terms by the faculty governance structure. The Committee shall elect its own presiding officer annually and shall hold formal hearings in accordance with the procedures described in section [605.4](#) on all matters referred to it under these policies. The Committee shall judge any allegation of bias or conflict of interest. In the event that an individual member is judged by the Committee to be biased or to have a conflict of interest in a specific case, the Committee shall replace the member with a substitute member for that case.
2. Each institution shall adopt procedures concerning mediation implementing section [605.5](#) of these policies. Institutions shall pay all mediation costs.
3. Chapter [44-04](#) of the North Dakota Century Code, relating to open meetings and records, including section [44-04-19.2](#) concerning confidential or closed meetings, applies to Standing Committees on Faculty Rights. Pursuant to N.D.C.C. § [44-04-20](#), each committee chair shall file in the president's office the name, address, and telephone number of a person who may be contacted to obtain information concerning meetings or to request notice of meetings. Proceedings concerning the appointment or removal, including non-renewal, of a faculty member may, pursuant to N.D.C.C. § [15-10-17](#), be closed, unless the faculty member requests that the proceedings be open, in which case the proceedings shall be open. Proceedings not concerning the appointment or removal of a faculty member, including proceedings concerning discipline not involving dismissal, shall be open.

[State Board of Higher Education Policy Manual, 11-16-01 , Section 605.2](#)

**Implementation at the University of North Dakota:
The University of North Dakota Standing Committee on Faculty Rights shall consist of five tenured faculty members to be elected one per year for staggered terms of five years each by the Senate.**

C. Non-Renewal, Termination or Dismissal of Faculty

1. A probationary appointment may be terminated, without cause, with notice to the faculty member that the appointment will not be renewed.
 - a. Notice shall be given:
 - i. At least 90 days prior to termination during the first year of probationary employment at the institution.
 - ii. At least 180 days prior to termination during the second year of probationary employment at the institution.
 - iii. At least one year prior to termination after two or more years of probationary employment at the institution.
 - b. A department chair, dean or other person authorized under institution policies to give such notice shall provide written notice of the decision, including a reference to the policy section pursuant to which the action is taken. The faculty member may within ten calendar

days after receipt of the notice request a reconsideration by the deciding body or individual. The faculty member may incorporate a request for mediation in the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.

Implementation at the University of North Dakota:

Notice to the faculty member may be achieved by any of the following methods: certified mail; placement in the office mailbox; or hand delivered to the faculty member. Date of notification is the date on which the faculty member was presented with the letter in person; it was delivered to the office mailbox; or when received by certified mail, whichever receipt is earliest.

2. An institution may terminate a probationary appointment effective at the end of any contract term, with no less than 90 days notice of nonrenewal based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is terminated pursuant to this subsection, the provisions of subsection 1 do not apply.
3. A special appointment terminates at the end of the term stated on the contract and may be renewed at the discretion of the institution.

Implementation at the University of North Dakota:

A special appointment ends at the end of the contract term and is renewed at the discretion of the institution. No notice is required.

4. A faculty member on probationary or special appointment may, within twenty calendar days after receipt of notice of nonrenewal of a probationary appointment or termination of a special appointment or, if the faculty member requests reconsideration or the parties agree to mediation under paragraph b of subsection 1, within twenty calendar days of receipt of the results of the reconsideration or conclusion of mediation, request review of the decision and a hearing by the Standing Committee on Faculty Rights by filing written notice with the deciding body or individual and the chair or the senior member of the Standing Committee on Faculty Rights. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). The institution shall, within twenty calendar days of receipt of the written notice and specifications, provide a written response to the faculty member and the chair of the Standing Committee on Faculty Rights.

Implementation at the University of North Dakota:

Within 20 business days of notification of non-renewal or termination of a special appointment, the formal written grievance must be given to the Chair of the Standing Committee on Faculty Rights (SCFR) and the President of the University of North Dakota. The faculty member (Grievant) must deliver to the Chair of SCFR, a minimum of 8 copies of the grievance. One copy of the grievance will be kept for the final report, 5 will be distributed to SCFR members, to the external hearing officer, and one copy will be given to each person against whom the grievance is brought. Within 20 business days, the institution will provide 8 copies of its response to the SCFR Chair. If the date the information is due falls on a Saturday, Sunday, or University holiday, the response is due the following day. All information must be delivered by 4:30 p.m. on the day it is due to the office of the SCFR Chair. The SCFR Chair will be responsible for disseminating all copies to the parties and the SCFR members.

A Grievant may request a review of her/his case and a hearing by SCFR. The request for review may be based upon allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the non-renewal decision violated his/her academic freedom, rights guaranteed under the United States Constitution, or that the University violated the terms of his/her employment contract or other written agreement. SCRF is free to consider any or all of the bases in the appeal of the non-renewal, but the faculty member must specify the basis of her/his appeal in the request and the faculty member must provide a summary of the supporting evidence. Note that proof that the Grievant was doing excellent work, performing his/her responsibilities in exemplary fashion, is not generally a permitted basis for appeal. Excellent performance of the Grievant's responsibilities would only prevent a non-renewal if the University had expressly promised to renew his/her contract if her/his performance was excellent. In proceedings brought before SCFR under this section, the Grievant has the burden to prove to SCFR, by a preponderance of the evidence, that the Grievant's rights of the kind protected have been violated. SCRF determines the level of specification and adequacy of the evidence.

Mediation may be requested by the Grievant. SBHE Policy [605.5](#) covers mediation.

5. A faculty member may terminate an appointment by giving notice in writing. Faculty are encouraged to give notice well in advance of the date of termination of employment at the end of a contract term. For the purpose of determining eligibility for participation in the state uniform group insurance program during summer months only, the effective date of termination of a faculty member with a nine- or ten-month contract covering the regular academic year (generally, August to May) who gives notice of resignation prior to the end of the contract term but completes the contract term, or who completes the contract term and then gives notice of resignation before the beginning of the next regular contract term or does not return to work for the next regular term, is July 2. This provision does not apply if a faculty member's spouse is employed by the state and eligible for participation in the state uniform group insurance program during the summer months. Also, this provision does not apply if employment is terminated and a faculty member does not complete the contract term or if a faculty member provides notice of other health plan coverage during the summer months. If a faculty member with a nine- or ten-month contract also has a contract for the summer term and resigns but completes the term, the effective date of termination is July 2 or the ending date of the summer term contract, whichever is later.
6. An institution may terminate an appointment of a tenured faculty member following a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses. In such cases, significant consideration shall be given to length of service and tenure status in the retention of faculty members within the affected academic unit or program area, curriculum requirements, professional achievements, breadth of competence, and equal employment opportunity. A tenured faculty member terminated pursuant to this subsection shall be given written notice of termination, including the reason(s) for the action, at least twelve months prior to the date of termination. Each institution shall establish procedures for implementing this policy.
 - a. A tenured faculty member given notice of termination under this section may request that the institution circulate his or her vita to other academic units or program areas within the institution. In addition, the institution shall ensure that fair consideration is given to the faculty member, during the period of the terminal appointment, for vacant academic positions in the employing institution for which the faculty member is qualified. The faculty within any academic unit or program area shall have the major responsibility in determining qualifications for appointment therein. If a tenured faculty member accepts an appointment in a different academic unit or program area, the faculty member shall retain his or her tenure status, subject to approval of the Board.
 - b. A position terminated under this section shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within which to accept or decline it.

- c. The provisions of section [605.4](#) do not apply when a tenured faculty member is terminated under this subsection. The faculty member may, however, within twenty calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.
7. In accordance with section [305.1](#) of these policies, the faculty governance structure at each institution shall adopt procedures by which faculty participation is solicited before notice of termination is given any tenured faculty member pursuant to subsection 6. Faculty participation shall be solicited concerning:
- a. The extent to which there are grounds for termination of tenured appointments;
 - b. Judgments determining where within the overall academic program termination of appointments may occur; and
 - c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.
8. A faculty member may be dismissed at any time for adequate cause. Adequate cause means: (a) demonstrated incompetence or dishonesty in teaching, research, or other professional activity related to institutional responsibilities, (b) continued or repeated unsatisfactory performance evaluations and failure to respond in a satisfactory manner to a recommended plan for improvement; (c) substantial and manifest neglect of duty, (d) conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or the institutional responsibilities of others, (e) a physical or mental inability to perform assigned duties, provided that such action is consistent with laws prohibiting discrimination based upon disability, or (f) significant or continued violations of Board policy or institutional policy, provided that for violations of institutional policy the institution must notify the faculty member in advance in writing that violation would constitute grounds for dismissal, or the institutional policy must provide specifically for dismissal as a sanction.

Implementation at the University of North Dakota:

The review of SCFR is focused on whether or not the facts and/or circumstances exist, which the University asserts show adequate cause for dismissal.

- a. An authorized institution officer shall give written notice of intent to dismiss and specify the reasons for the action. The officer may, in the officer's discretion, also schedule a meeting with the faculty member to discuss the action. The notice shall state that the officer will forward to the institution president a recommendation to dismiss unless the faculty member, within twenty calendar days of receipt of the notice, requests a hearing before the Standing Committee on Faculty Rights. If the faculty member does not make a timely request for a hearing, the president, upon receipt of a recommendation to dismiss, shall make a decision and provide written notice and reasons for the action to the faculty member within ten business days of receipt of the recommendation.

Implementation at the University of North Dakota:

The University may dismiss a faculty member at any time for "adequate cause." The University's notice of intent to dismiss must specify the grounds upon which the request is made and must be made to the faculty member and the Vice President for Academic Affairs and Provost. A Grievant may request a hearing before SCFR within 20 business days of receiving notice of the University's intent to dismiss for adequate cause. If the Grievant does not make a timely request for a hearing, the Provost will forward the information to the President, who upon receipt of a recommendation to dismiss, shall make a decision and provide written notice and reasons for the action to the faculty member within 10 business days of receipt of the recommendation.

- b. A faculty member may, within twenty calendar days of receipt of notice of intent to forward to the institution president a recommendation to dismiss, request a formal hearing before the Standing Committee on Faculty Rights, pursuant to section [605.4](#).

Implementation at the University of North Dakota:

A faculty member may, within 20 business days of receipt of notice of intent to forward to the University's Provost a recommendation to dismiss, request a formal hearing before the Standing Committee on Faculty Rights, pursuant to section [605.4](#).

c. Pending a final decision on dismissal for adequate cause, the faculty member may be suspended by the institution's president or assigned to other duties in lieu of suspension, if it is reasonably determined that it is in the best interests of the faculty member or the institution to do so. The faculty member's salary and fringe benefits shall continue during a period of suspension. Salary and benefits shall be terminated upon a final decision by the institution president to dismiss the faculty member following conclusion of proceedings at the institution.

Implementation at the University of North Dakota:

Pending a final decision on dismissal for adequate cause, the faculty member may be suspended by the Provost or assigned to other duties in lieu of suspension, if it is reasonably determined that it is in the best interests of the faculty member or the University to do so. The faculty member's salary and fringe benefits shall continue during a period of suspension. Salary and benefits shall be terminated upon a final decision by the President to dismiss the faculty member following conclusion of proceedings at the institution.

e-d. [This section shall not apply to conduct by a faculty member which is alleged to constitute sexual harassment under title IX which is governed by SBHE Policy 520.](#)

9. If the administration determines that the conduct of a faculty member, although not constituting ground for termination or dismissal, provides reasonable cause for imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction. A sanction means demotion, suspension (but not including suspension pending a dismissal or termination decision), salary reduction or loss of salary, or restriction or loss of privileges imposed as a formal disciplinary measure. A sanction does not include implementation of an improvement plan or performance action plan or negative comments in a performance review, letter of reprimand or other document placed in a personnel file; rights to respond to a performance review or to a letter of reprimand or other document placed in a personnel file are set forth in N.D.C.C. § [54-06-21](#) and institution grievance procedures adopted under SBHE Policy [612](#). If the sanction is imposed following a hearing by the Standing Committee on Faculty Rights and based on the hearing record, there is no further review. If the sanction is imposed without a hearing, the faculty member may request review upon filing with the institution's president and chair or senior member of the Standing Committee on Faculty Rights a request for review and specifications of reasons within twenty calendar days of receipt of notice of imposition of a sanction. The institution shall have twenty calendar days following receipt of the request for review to file a response. The Standing Committee on Faculty Rights shall review the matter according to procedures established at the institution for that purpose and issue a written report within twenty calendar days of receipt of the institution's response and may make a recommendation to resolve the dispute, stating its reasons. The institution shall make its final decision upon reconsideration and provide written notice of that decision to the faculty member within ten days of receipt of the report and recommendation of the Standing Committee on Faculty Rights. Upon filing of a request for review pursuant to this subsection, imposition of the sanction shall be suspended pending a final decision of the institution's president following conclusion of those proceedings.

Implementation at the University of North Dakota:

If the administration determines that the conduct of a faculty member, although not constituting ground for termination or dismissal, provides reasonable cause for imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction. A sanction means demotion, suspension (but not including suspension pending a dismissal or termination decision), salary reduction or loss of salary, or restriction or loss of privileges imposed as a formal disciplinary measure. A sanction does not include implementation of an improvement plan or performance action plan or negative

comments in a performance review, letter of reprimand or other document placed in a personnel file; rights to respond to a performance review or to a letter of reprimand or other document placed in a personnel file are set forth in N.D.C.C. § [54-06-21](#) and institution grievance procedures adopted under SBHE Policy [612](#). If the sanction is imposed following a hearing by SCFR and based on the hearing record, there is no further review by SCFR. If the sanction is imposed without a hearing, the Grievant may request review upon filing with the University's Provost and SCFR Chair a request for review and specifications of reasons for the review within 20 business days of receipt of notice of imposition of a sanction. The University shall have 20 business days following receipt of the request for review to file a response. SCFR shall review the matter according to procedures established at the institution for that purpose and issue a written report within 20 business days of receipt of the University's response and may make a recommendation to resolve the dispute, stating its reasons. The University shall make its final decision upon reconsideration and provide written notice of that decision to the Grievant within 10 business days of receipt of the report and recommendation of SCFR. Upon filing of a request for review pursuant to this subsection, imposition of the sanction shall be suspended pending a final decision of the President following conclusion of those proceedings.

State Board of Higher Education Policy Manual, 11-16-01, Section 605.3

D. Hearings and Appeals

1. A faculty member may request a hearing with the Standing Committee on Faculty Rights by filing a written notice, accompanied by a specification of the reasons or the grounds upon which the request is based, with the Committee chair or senior member of the Committee and the institution's president. The institution shall have ten business days from receipt by its president of the notice and specifications to file a response with the Committee Chair or senior member of the Committee and the faculty member.

Implementation at the University of North Dakota:

The faculty member (Grievant) must request either a hearing or stipulate to a decision on the basis of written statements i.e. paper review. This request must be accompanied by a detailed specification of the reasons or grounds on which the grievance is based. The grievance must be given to the Chair of the Standing Committee on Faculty Rights (SCFR) and the President of the University of North Dakota. The Grievant must deliver to the Chair of SCFR, a minimum of eight copies of the grievance. Five copies will be distributed to SCFR members, one for the external hearing officer, one copy will be given to each person against whom the grievance is brought, and one copy of the grievance will be kept for the final report. Within 20 (twenty) business days, the institution will provide eight copies of its response to the SCFR Chair. In its response, the Institution will also specify whether or not it agrees to stipulate to a paper review. Both the Grievant and the Institution must agree to a paper review. The SCFR Chair will be responsible for disseminating all copies to the parties and the SCFR members.

2. The Committee shall appoint, at the expense of the institution according to institution procedures, a hearing officer with authority to conduct pre-hearing meetings, supervise exchange or collection of information, advise the Committee or preside over the hearing. The faculty member, the institution and their representatives shall comply with all reasonable directives and requests of the hearing officer appointed by the Committee. The institution shall provide necessary clerical support for the Committee and, upon request, for the hearing officer.

Implementation at the University of North Dakota:

The hearing officer may be internal or external to SCFR or the faculty at UND. The Grievant will identify whether he or she has a representative and, if so, indicate whether the release of information should be to that representative or the Grievant. A hearing officer will not be appointed if the Grievant and the Institution have stipulated to a decision made on the basis of a paper review.

3. The Committee or the hearing officer shall hold a pre-hearing meeting or meetings in order to (a)

simplify the issues, (b) effect stipulations of facts, (c) provide for the exchange of documentary or other information, or (d) achieve such other appropriate prehearing objectives as will make the hearing fair, effective, and expeditious. The faculty member, the institution and their representatives shall participate in pre-hearing meetings upon request and comply with the directives of the Committee or the hearing officer. Discovery shall be informal and formal depositions or interrogatories for the purposes of discovery are not permitted, except with agreement of the parties.

Implementation at the University of North Dakota:

When pre-hearing meeting(s) is held, attendees and purpose must be defined: 1) attendees: SCFR (or just the SCFR Chair or a committee member(s) or another person if designated by the entire SCFR), and the parties and their representatives. 2) purpose: simplify the issues, make stipulations, exchange documentary or other information, and other objectives to make the hearing fair, effective, and expeditious. The SCFR should:

- a. **require the parties to exchange eight (8) copies of witness lists and specify subject matter of testimony and any exhibits allowing both parties to supplement their documentation within fifteen calendar days after the original exchange, if necessary;**
 - b. **have the parties mark exhibits before the hearing—UND 1, 2, . . . , Grievant's Name A, B, . . . ;**
 - c. **have faculty member state, in writing, if she/he wishes an open or (to protect privacy) a closed hearing—the selection of a closed hearing will result in a closed deliberation. If the hearing has been designated as open, it must be noticed to the public;**
 - d. **set the date(s) of the hearing; and**
 - e. **try to resolve any other preliminary matters that may arise.**
4. The Committee or the hearing officer shall serve written notice of hearing on the faculty member and the president or their representatives at least twenty calendar days prior to the hearing.

Implementation at the University of North Dakota:

The Committee will serve the written notice.

5. The faculty member and the institution may stipulate to a decision on the basis of the written statements, in which case the Committee shall make its decision on that basis.

Implementation at the University of North Dakota:

At the time of the pre-hearing, the Committee will request of all parties as to whether they would stipulate to a decision by SCFR based only on their written statements and accompanying documentation.

6. During the proceedings the institution and the faculty member are entitled to have an administrative or academic advisor and counsel of their own choice and at their own expense. Proceedings concerning the appointment or removal of a faculty member may, pursuant to N.D.C.C. section [15-10-17](#), be closed, unless the faculty member requests that the proceedings be open in which case the proceedings shall be open. Proceedings not concerning the appointment or removal of a faculty member, including proceedings concerning discipline not involving dismissal, shall be open.

Implementation at the University of North Dakota:

At the pre-hearing, the Grievant will be required to state, in writing, if she/he wishes an open or (to protect privacy) a closed hearing—the designation of a closed hearing will result in a closed deliberation.

7. A verbatim transcript of the hearing or hearings shall be made at the institution's expense, and shall be accessible to both parties. A party shall be provided a copy of the record, or part of the record, upon request, at the institution's expense.

Implementation at the University of North Dakota:

- a. **A verbatim transcript of the hearing is required. There will be no transcript of deliberations although an audio recording will be made.**

- b. **The Grievant may request the entire transcript or a portion thereof; it will be provided only after the Committee issues its report to the President. The transcript will be made available through the Office of General Counsel at no charge to the Grievant. The copy provided to the Grievant will be a condensed version with four pages to each printed page. Although portions of the hearing may be taped for the convenience of the Committee, that tape is not available to the parties.**
8. The findings of fact, conclusions and the decision shall be based solely on the evidence received by the Committee. In cases brought under section [605.3\(4\)](#), the faculty member has the burden of persuasion to prove, by a preponderance of the evidence, that the action violated the faculty member's rights; in cases pursuant to section [605.3\(8\)](#) or (9), the burden of proof that grounds for the institution's action exist shall rest with the institution and be satisfied only by clear and convincing evidence in the record considered as a whole.

Implementation at the University of North Dakota:

The findings of fact, conclusions and the decision shall be based on the evidence received by the committee. That will include documents provided to the committee by all parties. In addition, the evidence will include testimony taken along with associated exhibits entered into the record.

9. The Committee may admit any evidence which is of probative value in determining the issues or if the interests of justice will best be served by admitting the evidence. Every reasonable effort shall be made to obtain the most reliable evidence available. The Committee shall grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

Implementation at the University of North Dakota:

This is a faculty hearing or review process, not a court of law, thus the Committee may accept any evidence and determine its value and credibility. Whether valid surprise has occurred shall be determined by the Committee. Furthermore, the necessity and duration of any adjournment will be made by the Committee.

10. The faculty member shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The institution shall cooperate with the Committee in securing witnesses and making available documentary and other evidence. The faculty member and the institution shall have the right to confront and cross-examine all witnesses. Testimony may be taken by deposition, including deposition by telephone, or witnesses may testify by telephone, facsimile, video or other electronic means upon agreement of the parties or, absent an agreement, upon request of a party and determination by the Committee or hearing officer that such use does not substantially prejudice the rights of any party. Affidavits may be received into evidence upon stipulation of the parties.

Implementation at the University of North Dakota:

The Committee expects the full and unqualified cooperation of all parties and, when hearing are held, witnesses. Failure to comply may result in the Committee seeking appropriate administrative action.

11. The Committee's findings of fact, conclusions and recommendations, with supporting reasons, shall be reported, in writing, to the institution's president and the faculty member or the faculty member's representative. If the institution's action was a notice of dismissal and if the Committee concludes that adequate cause for dismissal has been established, but that a lesser penalty would be more appropriate, it may so recommend with supporting reasons. The president shall make a decision and provide written notice of the decision, including findings of fact and reasons or conclusions based on the hearing record, to the Committee and the faculty member within twenty calendar days of receiving the report. The faculty member or Committee may, within ten calendar days of the decision, submit a written response to the decision, to which the president may reply.

Implementation at the University of North Dakota:

A copy of the Committee's findings of fact, conclusions and recommendations with supporting reasons, will be given to all parties. If the Grievant has indicated that the release of information should go to the Grievant's representative, the Committee's findings of fact,

conclusions and recommendations with supporting reasons, will be sent to the representative.

12. The decision of the president is final.

~~*State Board of Higher Education Policy Manual, 11-16-01, Section 605.4
Approved 2006, Updated 3/29/08*~~

13. This policy shall not apply to appeals from a determination of responsibility regarding a formal complaint of sexual harassment under Title IX of the Education Amendments of 1972, which is governed by SBHE Policy 520.

~~*12. State Board of Higher Education Policy Manual, 11-16-01, Section 605.4
Approved 2006, Updated 3/29/08*~~

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E. Mediation

1. "Mediation" means a process in which a mediator facilitates communication between parties to assist the parties in reaching voluntary decisions related to their dispute.

Implementation at the University of North Dakota:

Board of Higher Education policy recommends mediation as an option of all parties for faculty complaints under SBHE Policy [605.3](#), except for dismissals for adequate cause, for which mediation is not permitted and as mandatory under SBHE Policy [612](#). Mediation is also not allowed when the individual is dismissed for reasons of financial exigency.

2. This policy applies to faculty as defined in section [605.1](#) of these policies. It does not apply to employees governed by the NDUS Human Resource Policy Manual or to administrators or coaches, in their administrative or coaching capacity. Mediation is available upon agreement of the parties under section [605.3](#), except subsection 8, of these policies. Mediation is not available in proceedings initiated under subsection H of section [605.3](#). For other proceedings governed by section [605.3](#), a faculty member or the administration may request mediation and mediation shall proceed upon agreement of the parties. As used in this policy, "administration" means any person who has acted on behalf of the institution under section [605.3](#). For grievances governed under section [612](#) of these policies, participation in mediation by all parties is mandatory, which means that parties are required to participate in at least one mediation session.

Implementation at the University of North Dakota:

Requesting mediation under Board SBHE Policy [605.3](#). Requests for mediation under SBHE Policy [605.3](#) must be made in writing to the Chair of the University Senate. Requests must fully identify the requester and all other persons involved in the matter or action, and describe the matter or action for which mediation is requested. A copy of the written request must be provided to each person identified in the request. When the Chair of the University Senate is involved in the matter or action for which mediation is requested, the request should be made to the Vice Chair of the University Senate. When the Chair believes she or he has a disqualifying conflict of interest in the subject matter of a particular mediation request, the Chair of the University Senate shall forward such request to the Vice Chair. In any case in which the request is made or passed to the Vice Chair, the Vice Chair shall perform the responsibilities of the Chair assigned in this policy for the duration of that matter.

Mediation of a grievance under SBHE Policy [612](#). Faculty grievances filed under SBHE Policy [612](#) are subject to mandatory mediation, which means all parties must participate in at least one mediation session. Faculty grievances must be made in writing to the Chair of the University Senate. Grievances must fully identify the grievant and all other persons involved in the matter or action, and describe the matter or action grieved. A copy of the written request must be provided to each person identified in the request. As described above when the Chair has a conflict of interest, the Vice Chair shall serve as Chair for the purpose of the grievance.

3. The following mediation procedures and time lines apply to section [605.3](#) of these policies:
- a. A faculty member or the administration may request mediation in accordance with institutional policy.

Implementation at the University of North Dakota:

See SBHE Policy [605.3\(1\)\(b\)](#).

- b. Within 15 calendar days of receipt of the written request, the mediator shall meet with identified parties to explain the mediation process.

Implementation at the University of North Dakota:

The parties shall attend the first mediation session and cooperate with the mediator in accord with the documented agreement to mediate and in accord with the mediator's requests. The first mediation session begins a twenty-calendar day "mediation period" (or a mutually agreed upon mediation period) during which the parties shall cooperate with the mediator in a good faith attempt to resolve the dispute.

- c. If identified parties agree to mediate, the mediator shall schedule a first mediation session within 10 calendar days of reaching an agreement to mediate. Upon agreement to mediate, other internal proceedings and the time lines provided for those other proceedings shall be stayed pending conclusion of mediation.

Implementation at the University of North Dakota:

Requesting mediation under Board SBHE Policy [605.3](#). Requests for mediation under SBHE Policy [605.3](#) must be made in writing to the Chair of the University Senate.

Requests must fully identify the requester and all other persons involved in the matter or action, and describe the matter or action for which mediation is requested.

A copy of the written request must be provided to each person identified in the request. When the Chair of the University Senate is involved in the matter or action for which mediation is requested, the request should be made to the Vice Chair of the University Senate. When the Chair believes she or he has a disqualifying conflict of interest in the subject matter of a particular mediation request, the Chair of the University Senate shall forward such request to the Vice Chair. In any case in which the request is made or passed to the Vice Chair, the Vice Chair shall perform the responsibilities of the Chair assigned in this policy for the duration of that matter.

- d. The first mediation session begins a 20 calendar-day period or a mutually agreed upon mediation period during which participants attempt to resolve the dispute. At the conclusion of the mediation period, the mediator shall notify the appropriate institutional representatives in accordance with institutional policy whether or not the issues have been resolved.
4. The following mediation procedures and time lines apply to section [612](#) of these policies:
- a. Participation in mediation is mandatory in connection with grievances under section [612](#) of these policies. Other internal proceedings and the time lines provided for those other proceedings shall be stayed pending conclusion of mediation.

Implementation at the University of North Dakota:

Under SBHE Policy [612](#), a faculty member harmed by University action may file a grievance alleging violation of a specific Board Policy, a specific institutional policy, a Board or institutional procedure pertaining to the faculty member's employment, a Board or institutional practice pertaining to the faculty member's employment, or the faculty member's contract of employment. A faculty member may also file a grievance over discretionary actions, such as salary adjustments and performance evaluations, but only to determine whether the discretionary action was made in accordance with relevant Board or Institutional policies, practices, procedures, or criteria and constituted a clear abuse of discretion. A faculty member may not file a grievance under SBHE Policy [612](#) regarding matters covered by SBHE Policy [605.3](#) (Non-renewal, Termination or Dismissal of Faculty) or [605.4](#) (Hearings and Appeals).

Faculty grievances filed under SBHE Policy [612](#) are subject to mandatory mediation, which means all parties must participate in at least one mediation session. Faculty grievances must be made in writing to the Chair of the University Senate. Grievances must fully identify the grievant and all other persons involved in the matter or action, and describe the matter or action grieved. A copy of the written request must be provided to each person identified in the request. As described in UND implementation [605.3\(2\)](#), when the Chair has a conflict of interest, the Vice Chair shall serve as Chair for the purpose of the grievance.

- b. Within 15 calendar days of receipt of the written grievance the mediator shall meet with identified parties to explain the mediation process.

Implementation at the University of North Dakota:

Within fifteen calendar days of the mediator's receipt of the written grievance, the mediator meets with the parties to explain the mediation process and to set the time, date, and place of the first mediation session.

- c. The mediator shall schedule a first mediation session within ten calendar days of the meeting under subsection 4b.
- d. The first mediation session begins a 20 calendar-day period or a mutually agreed upon mediation period during which participants attempt to resolve the dispute. At the conclusion of the mediation period, the mediator shall notify the appropriate institutional representatives in accordance with institutional policy whether or not the issues have been resolved.

Implementation at the University of North Dakota:

The parties shall attend the first mediation session and cooperate with the mediator in accord with the documented agreement to mediate and in accord with the mediator's requests. The first mediation session begins a twenty-calendar day "mediation period" (or a mutually agreed upon mediation period) during which the parties shall cooperate with the mediator in a good faith attempt to resolve the dispute.

5. Mediators may be selected by agreement of the parties. If the parties do not agree on a mediator, a mediator shall be assigned by the North Dakota University System staff from a pool of trained, volunteer mediators available through the NDUS office. The College of Council Faculties may offer its advice and recommendations concerning selection of the mediation pool.

Implementation at the University of North Dakota:

The Chair of the University Senate shall, with the assistance of the Director of the UND Conflict Resolution Center, and with the assistance of other agencies in the State and region that maintain lists of mediators, keep a list of qualified mediators located in Grand Forks and the immediate region. To be qualified for inclusion on the list, a mediator must be: (1) trained in mediation; (2) current in the theory and practice of mediation as evidenced by recent experience and continuing education/training.

The Chair of the University Senate shall promptly provide the faculty member who filed a grievance or requested mediation with the names of mediators then on the approved list.

Within three business days of receiving the list of approved mediators from the Chair, the faculty member who filed a grievance or requested mediation shall select a mediator and notify the Chair and the other person(s) named in the request for mediation. Within three business days of receiving the faculty member's notice, the other party to the mediation may submit a written objection to the Chair. When the Chair receives the objection, the faculty member shall begin the process again with a new selection. If no mediator has been successfully selected within ten business days of the date the first selection was provided to the Chair, the Chair upon agreement of all parties, may name a mediator from the list or defer the decision to the North Dakota University System office, who will name a mediator.

If the parties do not agree to have the chair make the selection of a mediator, the choice will be made by the North Dakota University System Office from the approved list of mediators.

6. Mediators shall facilitate and coordinate the process. Mediators may not issue orders, find fault, impose solutions, or make decisions for the mediation participants.

Implementation at the University of North Dakota:

During the mediation period, the mediator will attempt to assist the parties in the resolution of their dispute by facilitation and coordination. The mediator is neither expected nor authorized to issue orders, find fault, impose solutions, or make decisions for the parties.

At the conclusion of the mediation period, the mediator shall inform all parties, in writing that an agreement was reached.

If the mediation fully resolves the dispute, the action or matter on which mediation was requested shall be considered concluded. The mediator shall then inform the Chair a successful mediation has occurred.

If a mediation requested fails to resolve the dispute fully, the mediator shall inform in writing all parties, including the Chair that an agreement was not reached. The Chair shall then direct the faculty member to any other relevant portion of these policies governing other courses of action for issues covered under SBHE Policy [605.3](#) or [612](#).

Neither the Standing Committee on Faculty Rights nor any Special Review Committee shall receive nor use in any way written products produced (except for notification of the results of the mediation) or observations made by a mediator in any mediation. No person interested in any mediated matter which later comes before the Standing Committee on Faculty Rights or any Special Review Committee shall offer or use in any way written products produced (except for notification of the results of the mediation) or observations made by a mediator in a mediation.

7. All time lines in this section are suspended between May 16 and August 15 as to all nine-month faculty unless all parties expressly waive the suspension.

Implementation at the University of North Dakota:

All time lines in this section 605.5 are suspended for nine-month faculty when they are not on contract, unless all parties expressly waive the suspension.

[State Board of Higher Education Policy Manual, 11-16-01, Section 605.5](#)

2. UND Administrative Guidelines for Development of Tenure Recommendations

- A. Although decisions to recommend tenure involve some of the criteria which apply to decisions involving salary adjustments and promotions, there are additional considerations which apply to tenure recommendations, such as budgetary concerns, balance within the departments, projected enrollments, retrenchment, etc. The award of salary increases and promotions should not necessarily lead a faculty member to expect tenure will be recommended.
- B. In making recommendations in regard to tenure, the departments/colleges may establish their own standards as long as they are in conformity with Board tenure policies, the University Constitution, Senate Bylaws, and recognized University-wide interpretations as recorded in the Faculty Handbook.
- C. In order for advanced tenure credit to be awarded for any year of University of North Dakota service funded with non-appropriated money, whether full or part-time, the faculty member must have been evaluated during the service in question in accordance with regular department/college evaluation procedures. When prior tenure credit for previous professional experience is also involved, it will be considered at the same time.
- D. When a faculty member begins a tenure eligible appointment midyear, he/she is normally considered for tenure with the group who started at the beginning of that appointment year.
- E. Early tenure (after four or five years) will be recommended only in exceptional cases.

Implementation at the University of North Dakota:

The probationary period of six years of continuous academic service to the institution may be shortened under those unusual circumstances when the faculty member's qualifications support a grant of early tenure in less time than the ordinary probationary period. In these cases, the faculty member bears the burden of demonstrating that his or her achievements unequivocally meet the stated criteria for tenure as established by the University in I-8.1.1(3)(b). The evaluation for the award of early tenure shall proceed in accordance with the procedures used for ordinary tenure reviews.

A faculty member may be considered for early tenure only once. If a faculty member does not receive a favorable evaluation for the award of early tenure, his or her established probationary period will continue, at the end of which their ordinarily scheduled evaluation for tenure will occur.

- F. Under normal circumstances, an administrative officer initially appointed to the University of North Dakota in a nonacademic administrative position will not be given tenure eligible rank or be recommended for tenure as a result of time spent in the administrative position.

If a probationary faculty member at UND moves into a full-time non-academic administrative position, he/she will not continue to accrue credit toward tenure while in that administrative position. A faculty member already tenured will retain tenure.

Any recommendation regarding academic rank for a non-academic administrator will be made by the dean, only upon recommendation of the faculty of the college/department*.

- G. The tenure eligibility of faculty at UND will be based on two criteria: Source of funding and academic title, i.e., in order for faculty members to be considered tenure eligible, they must (a) be initially (or subsequently) fully funded from State General Fund appropriations assigned to an academic salary budget responsible to the Vice President for Academic Affairs** and (b) carry in an academic department/college a probationary academic title (Instructor, Assistant Professor, Associate Professor, Professor). Failure to satisfy both of these conditions simultaneously eliminates the position from tenure eligibility*.
- H. If a probationary or tenured faculty member already employed at UND is appointed to an academic administrative position, rank, or tenure status will not be affected by the appointment. Accrual of additional tenure credit during subsequent administrative service may be granted only when there is regular, formal involvement in the program and the discipline of the department and with concurrence of the department/college concerned.
- I. Administrators do not accrue tenure as administrators.
- J. If any individual is appointed to an academic administrative position from outside the University, academic rank and/or tenure offered concurrently with or subsequent to such appointment will be determined only after recommendation of the department/college in which the rank is to be given. The criteria for rank and/or tenure for administrator-teachers, especially those relating to scholarly activity and service to students, will be similar to those regularly used in the department/college.
- K. A tenure-eligible faculty member cannot be recommended for tenure unless the department/college will have available permanent funding for that person from appropriated funding at the time tenure is to become effective. A department/college cannot shift either a tenured or tenure-eligible faculty member onto non-appropriated money unless there is a recognized plan enabling reassignment of him/her to appropriated funding at the time non-appropriated funds are unavailable or he/she becomes eligible for tenure through years of services to the University.
- L. Faculty in temporary positions whose appointments are funded out of State General Fund appropriated monies must be designated in all official contracts and documents as "Temporary," which designation may precede the title or follow the faculty member's name in parentheses. Under normal circumstances, temporary persons so appointed may be eligible for reappointment up to three years.
- M. Faculty who are appointed to positions funded all or in part out of non-appropriated ("soft") funding must be designated in all official contracts and documents by modified academic titles#.

Under very exceptional circumstances, appointments may be designated by unmodified academic titles as long as it is clearly indicated that the position is non-probationary and renewable only upon the availability of funds. Potentially, such positions are renewable without time limitations, subject to the recommendation of the department and the University as long as the non-appropriated funding is available*.

- N. Time spent in a position in which the faculty member's appointment is primarily related to intercollegiate athletics will not earn tenure credit.
- O. Normally, only those persons who have what is deemed the usually required terminal degree, or its equivalent for university teaching in their disciplines, will be appointed to regular tenure-eligible positions. When an exception is made, the faculty member will be expected to complete the appropriate degree or credential before being eligible for appointment with tenure.
- P. A tenure-eligible Assistant Professor ordinarily must put forth an application for both promotion to Associate Professor and tenure in his or her sixth year. If the Assistant Professor does not achieve promotion to Associate Professor, then the President will recommend that his or her tenure application also be denied.

In this case, with the Provost's approval, and consistent with fulfillment of the University's institutional obligations, appropriate rigor of promotion, and tenure standards, and fairness to faculty, the Assistant Professor's Dean may

- a. Do nothing, in which case the following year will be the Assistant Professor's terminal year.
- b. Hire the Assistant Professor in a non-tenure-eligible position, such as instructor.
- c. Request from the Provost a one-year extension of the tenure clock, giving the Assistant Professor one additional year to successfully apply for promotion to Associate Professor and tenure. In this case, the Dean and department should communicate clearly, and in writing, what the Assistant Professor must accomplish prior to, and demonstrate in, his or her next application. If the Assistant Professor does not achieve promotion to Associate Professor based on the next application, then his or her tenure application must also be denied, and the Dean may choose between options (a) and (b) above.

* This provision, under special circumstances, may have to be modified by the UND School of Medicine, with the approval of the State Board of Higher Education, in order to fit those situations unique to a state-wide, community-based medical school.

** or to the Dean of the School of Medicine

"Academic titles" means Instructor, Assistant Professor, Associate Professor, or Full Professor.

Vice President for Academic Affairs and Provost, 11-14-02

IX. Resignations

When a faculty member returns a signed contract for the ensuing academic year, it is assumed that both parties will adhere to the express and implied conditions of that contract. A faculty member may terminate an appointment effective at the end of the academic year, provided that he or she gives notice in writing at the earliest possible opportunity, but not later than May 15, or one month after receiving notification by the institution of the terms of an appointment for the coming academic year, whichever date occurs later. After discussion with the college dean, the faculty member may properly request a waiver of this request of notice in case of hardship or a situation in which he or she would otherwise be denied substantial professional advancement or other opportunity. However, the University will require assurance that his or her place can be filled and that work at the University for which this faculty member is responsible will not suffer because of his or her withdrawal.

Vice President for Academic Affairs and Provost, 11-14-02

1. Procedures for Requests by Faculty for Waiver of Any Deadline on Faculty-Originated

Terminations of Appointment

For purposes of this procedure, "faculty" mean all members of the academic staff, excluding only coaches and administrators in their capacities as coaches or administrators.

A faculty member who wishes to resign but has missed a reasonable deadline set by the University for giving notice of resignation shall be excused from the deadline:

1. if refusal to accept the resignation would work a hardship on the faculty member, who must describe that hardship in the request for waiver; or
2. even if hardship is not clearly shown, where there is sufficient time after the University receives the request for waiver to permit it to obtain reasonable coverage for any teaching, grant, or contract responsibilities assigned to the faculty member; coverage is reasonable even if it is only temporary, as by call staff or part-time special appointment to permit ordinary recruitment processes to find a replacement and conclude an appointment; or
3. for good cause shown, including the professional advancement of the faculty member seeking waiver. Professional advancement includes merely economic advantage for the resigning faculty member so long as the program or department supports the request and the program or department arranges, by reassignment of remaining personnel or otherwise, to mitigate any prejudice to the department or program's responsibilities to students or others.

UND Senate, 04-03-03

SEE ALSO: State Board of Higher Education Policy: Academic Freedom and Tenure; Academic Appointments; Non-renewal, Termination or Dismissal of Faculty; Sections [605.1](#) and [605.3](#)

Section II: Personnel Information

I. Nondiscrimination

1. Notice of Nondiscrimination

The University of North Dakota (UND) is committed to the principle of equal opportunity in education and employment. UND does not discriminate on the basis of race, color, national origin, religion, sex, age, disability, sexual orientation, gender identity, genetic information, creed, marital status, veteran's status, political belief or affiliation or any other status protected by law. Pursuant to Title IX of the Education Amendments of 1972, UND does not discriminate on the basis of sex in its educational programs and activities, employment and admission. UND will promptly and equitably investigate reports of discrimination or harassment and take disciplinary action as appropriate.

Retaliation in any form against a person who reports discrimination or participates in the investigation of discrimination is strictly prohibited and will be grounds for separate disciplinary action.

Concerns regarding UND's equal opportunity and nondiscrimination policies, including Title IX, Title VI, Title VII, ADA, and Section 504 may be addressed to the Director of [Equal Employment Opportunity/Affirmative Action](#) [Equal Opportunity & Title IX](#) and Title IX/ADA Coordinator, 401 Twamley Hall, 264 Centennial Drive Stop 7097, Grand Forks, ND 58202-7097, telephone 701.777.4171, email UND.affirmativeactionoffice@UND.edu or visit the website at <http://UND.edu/affirmative-action/>. A complaint or concern regarding discrimination or harassment may also be sent to the Office for Civil Rights, U.S. Department of Education, 500 West Madison, Suite 1475, Chicago, IL 60611 or any other federal agency.

Responsible Office: [UND Equal Employment Opportunity/Affirmative Action](#) [Equal Opportunity & Title IX](#)

Related Information

- [UND Notice of Nondiscrimination](#)

- [UND Complaints of Discrimination/Harassment Policy and Procedures](#)
- [SBHE Policy 603.1 – Harassment](#)
- [NDCC 14-02.4-01 – State policy against discrimination](#)

2. Equal Employment Opportunity and Affirmative Action

UND is an affirmative action employer as required by federal contractor regulations. The [Equal Employment Opportunity/Affirmative Action/Equal Opportunity & Title IX](#) Office is responsible for oversight of the University's affirmative action program; Rehabilitation Act of 1973, Sections 503 and 504; The Americans with Disabilities Act; Titles VI and VII of the Civil Rights Act of 1964; and Title IX of the Education Amendments of 1972 as well as compliance with federal and state laws and regulations involving civil rights, equal employment, and equal educational opportunity. Under equal employment and equal educational opportunity, the University declares that it will not discriminate on the bases of race, color, religion, sexual orientation, gender identity, national origin, sex, disability, or age. Affirmative action programs seek to hire, promote, provide advancement, develop training programs, and otherwise encourage the inclusion of members of racial and ethnic minority groups, women, individuals with disabilities and veterans in University employment, education, and services where these individuals as a class may have had limited opportunities in the past.

The University undertakes an evaluation of its workforce, analyzes workforce availability based on its major job groups and academic disciplines, and where appropriate, will make good faith efforts to enhance its recruitment and selection of women, minorities, individuals with disabilities, and veterans. It also will promote programs, projects, and other opportunities that encourage the development and advancement of faculty and staff in their work and academic pursuits. Women, minorities, individuals with disabilities, and veterans are encouraged to apply to employment opportunities.

Under rules and regulations required of federal contractors and recipients of federal monies, UND may utilize affirmative action programs to positively encourage the employment of women, minorities, individuals with disabilities and veterans in those areas of the University in which workforce underutilization exists. Affirmative action may include, but is not limited to, specialized recruitment, training programs, internships, special projects, or other efforts necessary to employ or to advance in employment women or minorities.

Those individuals who believe that they have been subjected to unlawful discrimination are encouraged to contact the [Equal Employment Opportunity/Affirmative Action/Equal Opportunity & Title IX](#) Office.

Responsible Office: [UND Equal Employment Opportunity/Affirmative Action/Equal Opportunity & Title IX](#)

Related Information

- [UND grievance procedures and EEO/AA policies/procedures \(<http://und.edu/affirmative-action/index.cfm>\)-Equal Opportunity & Title IX](#)
- [SBHE Policy 603.2 – Equal Employment Opportunity](#)

A. Nepotism

Appointment and promotion of all University faculty members shall be based on appropriate qualifications and performance. Relatives or spouses may be appointed to the same department provided that a vacancy exists, authorization has been given to fill the position and that salary and other benefits are in accord with responsibilities of the position and the experience and scholarly reputation of the appointee. No administrator, however, shall initiate or participate in institutional decisions involving direct benefit (initial appointment, retention, promotion, salary, leave of absence, etc.) to relatives or spouses. In such instances, all final decisions on faculty appointment shall be referred to the Vice President for Academic Affairs. (In instances involving graduate assistants, the decision shall be referred to the Graduate Dean; for Medical School faculty, to the President; and for staff, to the Director of Human Resources.) If the faculty appointment is for a relative or spouse of the vice president for academic affairs, the final decision on faculty appointment shall be referred to the president.

The University's objective is to eliminate favoritism in appointments, promotions, wages, hours, or other conditions of employment. It is not the intent of this policy to encourage or discourage the employment of relatives within the same unit, but rather to emphasize the concept that the selection of personnel shall be solely on the basis of merit.

Responsible Office: Human Resources
Related Information

- [NDUS Human Resource Policy Manual Section 13 – Employment of Relatives](#)
- [SBHE Policy 603.3 – Nepotism](#)
- [NDCC 44-04-09 – Nepotism](#)
- [NDCC 44-04-10 - Violation of provisions against nepotism - Penalty](#)

B. Request for Disability Accommodation Process

An employee with a disability who needs an accommodation in order to perform the essential functions of the employee's position must notify their supervisor. An accommodation request form must be completed and submitted to the supervisor who will then submit the form to the [Equal Employment Opportunity/Affirmative Action/Equal Opportunity & Title IX](#) Office. Medical information may be needed to determine and identify the effective accommodation. All medical information is kept confidential and separate from personnel files. For more detailed information, please contact the director of [equal employment opportunity/affirmative action/Equal Opportunity & Title IX](#) at 777.4171.

The North Dakota Division of Vocational Rehabilitation also is available for assistance to disabled persons. Section 504 of the Rehabilitation Act of 1973 requires that complaint procedures be made available to qualified individuals who meet eligibility requirements for receipt of services.

Responsible Office: ~~UND Equal Employment Opportunity/Affirmative Action~~[Equal Opportunity & Title IX](#)
Related Information

- [UND Accommodation Request Form](#)

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3. Sexual Harassment

UND prohibits sexual harassment and retaliation against a person filing a sexual harassment complaint. [Sexual harassment and retaliation prohibited by Title IX of the Education Amendments of 1972 and the related regulations shall be governed by SBHE Policy 520.](#)

Questions concerning specific situations or incidents should be directed to the director of [equal employment opportunity & Title IX/affirmative action](#). ~~Grievance procedures for complaints of discrimination are outlined in the Administrative Manual and in a brochure, which is available from the Affirmative Action Office. Reports of sexual harassment and sexual violence are addressed in UND's Title IX and Sexual Violence Policy and/or UND's Discrimination and Harassment Policy.~~ Following a [grievance process and a determination of responsibility for a policy violation](#), ~~a investigation and a finding of sexual harassment~~, the employee(s) ~~accused of sexually harassing another~~ may be disciplined, including termination from the University.

Responsible Office: ~~UND Equal Employment Opportunity/Affirmative Action~~[UND Equal Opportunity & Title IX](#)
Related Information

- [UND Complaints of Discrimination/Harassment Policy and Procedures](#)~~UND Discrimination and Harassment Policy~~

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- [UND Title IX and Sexual Violence Policy](#)
- ~~[UND Guidelines on Discrimination Because of Sex](#)~~
- [SBHE Policy 603.1 – Harassment](#)
- [SBHE Policy 520 - Title IX - Sexual Harassment 520](#)
- [NDCC 14-02.4-01 – State policy against discrimination](#)

A. Consensual Relationships

The University of North Dakota discourages consensual relationships ~~between employees, employees and students, or student employees when one individual in the relationship has direct or indirect authority over the other. , i.e., amorous, romantic, or sexual relationships, between faculty and students, staff and students, supervisors and subordinates, and students who have an authority relationship over other students. This policy is in effect when one individual has a control, power, authority, or responsibility position over another.~~

UND expressly prohibits ~~any form of~~ sexual harassment and strives to maintain a safe and professional environment for all students, staff, and faculty to work, study, and live. ~~of employees and students when a previous consensual relationship ceases to exist or such a relationship is rejected by one of the parties. Consensual relationships in which one individual has direct or indirect authority over the other can create real or perceived conflicts of interest and favoritism, and can result in claims of sexual harassment.~~

An individual engaging in a consensual relationship with another individual over which they have direct or indirect authority must notify their department chair or supervisor of the relationship, including the name of the other individual. A plan will then be developed to manage or eliminate conflicts of interest and mitigate adverse effects on the involved parties and other third parties.

~~If the parties do engage in a consensual relationship as defined above, the person in the authority position is obligated to report the relationship to his or her department head or supervisor immediately. Failure to report the relationship or any significant delay in reporting may be cause for disciplinary action. Documentation of the reporting and any subsequent actions taken by the department head or supervisor, such as advising the parties of the potential for sexual harassment charges if the relationship ends, is required.~~

Responsible Office: ~~UND Equal Employment Opportunity/Affirmative Action~~ [UND Equal Opportunity & Title IX](#)

Related Information

- [UND Consensual Relationships Policy](#)
- ~~[UND Complaints of Discrimination/Harassment Policy and Procedures](#)~~
- [UND Title IX and Sexual Violence Policy](#)
- [SBHE Policy 603.1 – Harassment](#)

II. Grievances

The University of North Dakota (UND/University) believes that providing a positive employment environment for faculty and other employees is vital to the mission of the University. An important part of that environment is the adoption of fair and clear procedures for handling and resolving faculty grievances arising out of the employment relationship.

The policies of the State Board of Higher Education (SBHE) distinguish between two types of faculty grievances. One type is specifically limited to a grievance resulting from UND's decision to dismiss, terminate, suspend, non-renew, or sanction the faculty member. The procedures for resolving these grievances are governed by SBHE policies 605.3 and 605.4. These policies, as well as their implementation at UND, can be found in Section I of the UND Faculty Handbook. Grievances related to discrimination are not covered in this section and should be addressed through Title IX and the Office of Equal ~~Employment & Title IX Opportunity/Affirmative Action~~. ~~This section shall not apply to conduct by~~

[a faculty member which is alleged to constitute sexual harassment under title IX is governed by SBHE Policy 520.](#)

1. Scope and Definitions

This section implements SBHE policy 612 and governs only section 612 faculty grievances.

These guidelines apply only to faculty, as defined below.

Prerequisites to filing a section 612 grievance are:

- a. The faculty member has tried to resolve his or her issue with the person who is believed to have caused the faculty member harm;
- b. The faculty member has followed policy within his or her department and college; and
- c. The faculty member must have participated in at least one mandatory, good faith, mediation session.

A. Definitions

- a. Complainant: "The Complainant" means the faculty member who is bringing the grievance
- b. Respondent(s): "The Respondent(s)" means the person or persons against whom the grievance is brought. This individual(s) is the person who made the decision upon which the grievance is based.
- c. Parties to a grievance: "The Parties" means the Complainant and the Respondent(s).
- d. Faculty: "Faculty" means all members of the academic staff, excluding only coaches and administrators in their capacities as coaches or administrators.
- e. Faculty Grievance: "Grievance" means an allegation of a violation of a specific SBHE or institutional policy, procedure, or practice pertaining to the employment relationship.
- f. Mediation: "Mediation" means a process in which a mediator facilitates communication between parties to assist the parties in reaching voluntary decisions related to their dispute.
- g. Special Review Committee (SRC): "The SRC" means a standing committee of the University Senate, whose charge is outlined here.
- h. Good Faith: "Good faith" means a willingness to sit down and actively participate in discussion of the issues at hand in order to better understand and find resolution to the issues.

2. Mediation Protocol

The following mediation procedures and time lines apply.

- a. Participation in mediation is mandatory in connection with this 612 grievance protocol. Other internal proceedings and the timelines provided for those other proceedings shall be stayed pending conclusion of mediation.
- b. Within 15 business days of receipt of the written grievance the mediator shall meet with identified parties to explain the mediation process.
- c. The mediator shall schedule a first mediation session within ten business days of the meeting under subsection II.
- d. The first mediation session begins a 20 business-day period or a mutually agreed upon mediation period during which participants attempt to resolve the dispute. At the conclusion of the mediation period, the mediator shall notify the appropriate institutional representatives in accordance with institutional policy whether or not the issues have been resolved.

Mediators may be selected by agreement of the parties. If the parties do not agree on a mediator, a mediator shall be assigned by the North Dakota University System (NDUS) office staff from a pool of trained, volunteer mediators available through the NDUS office. The College of Council Faculties may offer its advice and recommendations concerning selection of the mediation pool.

Mediators shall facilitate and coordinate the process. Mediators may not issue orders, find fault, impose solutions, or make decisions for the mediation participants. Fees for mediation will be covered by the

institution and not the individual parties. The direct cost will be assessed depending upon scope and in consultation between the appropriate vice president and appropriate dean.

All timelines in this section are suspended between May 16 and August 15 as to all nine-month faculty unless all parties expressly waive the suspension.

3. Mediation Procedure

After the Complainant has tried to resolve his or her grievance with the person who is believed to have caused the faculty member harm and has utilized the department, if applicable, and college grievance procedures, the Complainant may decide to utilize this grievance procedure by participating in at least one good faith mediation session.

To set up a mediation session, the Complainant must send a written communication to the Chair of the University Senate requesting mediation and copy each Respondent. If the University Senate Chair has a conflict of interest, the Vice Chair shall serve as Chair for purposes of the grievance.

In the letter, the Complainant must set out a concise statement of all issues to be mediated and identify each Respondent. The entire grievance and supporting documentation should not be sent at this time, only a general identification of the issues. Within three business days, the University Senate Chair will forward a copy of the statement to the Respondent, who within five business days also has an opportunity to respond in writing. The entire response and supporting documentation should not be sent at this time, only a general identification of the issues.

The Complainant must attempt to mediate all issues before formally filing a 612 grievance before the SRC.

During the mediation period, the mediator will attempt to assist the Complainant and the Respondent in the resolution of their dispute by facilitation and coordination. The mediator is neither expected nor authorized to issue orders, find fault, impose solutions, or make decisions for the parties. The mediation process is confidential and protected by law and the mediator will explain his/her ethical boundaries to the parties before proceeding.

Once a mediator is located and secured, the University Senate Chair will send a communication to all parties sharing the name of the mediator and the timeline. Then, within fifteen business days of receipt of the written issues, the mediator will meet with the Complainant and the Respondent to explain the mediation process and to set the time, date, and place of the first mediation session. Ten business days after this meeting, the first mediation session will commence.

The mediation period is twenty business days. During this time, the Complainant and the Respondent will mediate in good faith and attempt to resolve the dispute.

If the mediation fully resolves the dispute, the action or matter on which mediation was requested shall be considered concluded. The mediator shall then inform the Chair that a successful mediation has occurred.

Sometime the parties do not finish the mediation—leaving some issues unaddressed. Either party may ask the mediator to move on to the next issue if s/he believes that no further progress can be made. If either party does not address all the enumerated issues within the grievance, those issues that were not addressed may not be reviewed by the SRC and they may not be re-mediated or grieved. If the failure to address all issues is because the Complainant leaves before all issues are addressed, the Complainant may not grieve them further. If the Respondent leaves before all the issues are addressed, the Complainant may have the SRC review them.

4. 612 Grievance Procedure

If the mediation fails in whole or in part, within twenty-four hours of the mediation, the mediator will provide a written statement to the University Senate, with both parties copied, specifying which of the

enumerated issues were mediated, which of the issues were resolved, and which of the issues failed to be resolved.

Within five business days after receipt of the written statement issued indicated above, the Complainant must notify the Chair of the University Senate in writing if s/he wishes to have a Special Review Committee (SRC) investigate the grievance. As part of the notice to the Chair, the Complainant must submit all supporting documentation of the unresolved mediated issues. He or she must provide a minimum of five copies to the University Senate Chair for distribution to: the SRC panel (three members), each Respondent, and one for inclusion in the final report.

The University Senate Chair will give a copy of the Complainant's grievance to the Respondent and will notify the Respondent of the opportunity to submit written information to the SRC. The Respondent shall deliver such information to the University Senate Chair within five business days of notification. The Respondent must provide a minimum of five copies to the SRC Chair for distribution to: the SRC members (three members), for the Complainant, and one for inclusion in the final report. The University Senate Chair will not distribute copies of information from the Complainant or Respondent to the SRC Chair until the entire SRC has been chosen and trained, as outlined in below.

The University Senate Chair will set up a SRC within five business days of receipt of the faculty member's request. The University Senate Chair will also designate the SRC Chair.

Before the SRC receives the complaint and the response, the University Senate Chair will arrange a meeting between the SRC and legal counsel to review investigation procedures. This will allow the SRC to ask questions of counsel without influencing the process. Counsel may only advise on procedural matters. After this training, all documents from the Respondent and Complainant will be given to the SRC Chair by the University Senate Chair.

There will be no review of the grievance by any member of the SRC until the SRC Chair has received a response from the Respondent. After obtaining Respondent's response, the SRC Chair will distribute copies to the SRC for review.

Within twenty business days of its establishment, the SRC shall interview the parties and review all documentation. The parties may suggest individuals to the SRC for purposes of gathering information pertaining to the grievance. The SRC may choose whom to interview based on relevance to the Grievance and may request further information or documents from all parties relevant to the Grievance. All University employees are expected to cooperate fully with the operations of the SRC and are expected to sign a standard non-retaliation statement.

If individuals involved or who have knowledge of the issues are not available for interview during the twenty business days allotted, the SRC shall inform the University Senate Chair that it need additional time. Such time shall be granted.

Within thirty business days of SRC establishment, the SRC shall issue a report determining the merits of the grievance and any recommendations to the president or designee. The report shall consist of the written documentation provided by the parties, information obtained from witnesses including the parties, the non-retaliation statement, the opening statement made by the committee to each person interviewed including the parties, and the recommendations made by the SRC.

The Complainant and Respondent will also receive a copy of the report; however, no further input will be accepted.

Within twenty business days of receiving the SRC report (or a longer period but no more than an additional twenty business days, if the Complainant agrees), the president or designee shall concur, modify, or reject the SRC recommendation and notify the Complainant and the Respondent of his or her decision.

The decision of the president is final.

*Responsible Office: University Senate
Related Information*

- [UND Special Review Committee Charge](#)
- [SBHE Policy 612 – Faculty Grievances](#)

III. Personnel Files

Faculty personnel files are the property of the institution, which shares the responsibility for the proper maintenance, accuracy, and appropriateness of materials in the file with the individual faculty member. There is but one officially designated academic personnel action file for each faculty member; however, other files may properly exist as long as the rights of the individual faculty members are appropriately protected, including their being routinely informed about the existence and nature of those other files.

In addition to the specific academic personnel action file (established electronically using a document imaging system and shall be maintained by the office of the dean of each academic division, and may be entrusted to an officially designated custodian*), other files often are maintained in such offices as the faculty member's department, dean of the college or school of the faculty member, dean of the graduate school (if the faculty member is on the graduate faculty), the Office of Academic Affairs, the Office of Human Resources, the Office of University & Public Affairs, and the Office of the President. Faculty members are encouraged to routinely monitor all of their personnel files.

*Official files are established electronically using a document imaging system maintained by the Office of Human Resources and the content of the personnel file is to be managed by the office of the dean of each academic division, and may be entrusted to an officially designed custodian.

1. Establishment, Maintenance, and Utilization of Comprehensive Personnel Records

UND maintains personnel records for faculty in accordance with North Dakota Century Code and UND's records retention schedule.

The comprehensive personnel record (maintained by the Office of Human Resources) shall be established electronically using a document imaging system and shall be maintained by the Office of Human Resources and managed by the dean of each academic division. Management may be entrusted to an officially designated custodian.

Any record of a faculty member's medical treatment or use of an employee assistance program is not to become part of that faculty member's personnel record and is confidential and may not be released without the written consent of the faculty member.

*Responsible Office: Vice President for Academic Affairs and Provost
Related Information*

- *UND Academic Affairs Procedure - Establishment, Maintenance, and Utilization of Comprehensive Faculty Personnel Records (contact Academic Affairs)*
- [UND Records Retention Schedule](#)
- [NDCC 54-06-21 – Public Employee Personnel Records: Administration – Access](#)
- [NDCC 44-04-18 – Access to Public Records: Electronically Stored Information](#)
- [NDCC 44-04-18.1\(1\) – Public Employee Personal, Medical, and Employee Assistance Records Confidentiality](#)

IV. Open Government Requirements

1. Open Meetings and Records

North Dakota has "sunshine laws," which make all government records and meetings open to the public unless a specific law authorizes records to be withheld or a meeting to be closed. Anyone has the right to attend meetings of a public entity or to access and obtain copies of the entity's records, regardless of where they live. These laws apply to all state and local government agencies that are supported by or expending public funds, including the University of North Dakota.

The North Dakota Attorney General publishes manuals and guides for open records and open meetings, which can be found at the following website: <https://attorneygeneral.nd.gov/open-records-meetings/manuals-and-guides>. If a faculty member has any questions regarding open records or open meetings, the faculty member should contact the Office of General Counsel.

Responsible Office: Office of General Counsel
Related Information

- [North Dakota Attorney General Website, Open Records and Meetings](#)
- [NDCC 44-04 Duties, Records, and Meetings](#)

V. Outside Activities and Increased Income for Faculty and Administrators

A full-time member of the University of North Dakota faculty and administration is first and foremost a member of the University staff. Therefore, any outside employment, including participation in continuing education activities, must be approved by the chairperson of the department and the college dean or by the appropriate administrative supervisor.

A faculty member or administrator's first obligation is to perform all services associated with his or her contract at the University. The unique demands for a faculty member at the University of North Dakota go beyond the traditional teaching, research/creativity, service triad to include activities that cannot always be programmed or clocked. For example, a faculty member is expected to be accessible to his/her students and to spend time counseling and advising them. He/she is expected to participate in continuing professional development. He/she is expected to serve on departmental, college, and University-wide committees.

1. The workload assignment of individual faculty with regard to teaching, research/scholarly activities, and service shall be determined by department chairs/college deans according to UND college custom.
2. The assignment shall be adjusted to the individual based on the customary work period for the discipline, the individual's preferences as to teaching, research/activity, or service, and the needs and mission of the department, college, and institution.

When external support administered by the University is available for special activities commensurate with the mission of the University of North Dakota (research, teaching, service, or administration), an individual may have his or her assignment appropriately adjusted to reflect the effort devoted to the activity receiving the support.

1. Normally the University will not provide payment to the faculty in addition to their base contract salary rate from University-administered funds for such special activities.
2. Payment in addition to the base salary may be made for continuing education instruction which is beyond the assigned load.
3. The University recognizes that there may be instances where the adjustment in the workload assignment of a faculty member and corresponding responsibilities may justify an increase in the base contract salary. In cases where the department chairperson, the dean, and the Vice President

for Academic Affairs approve of an adjustment in the salary rate of a faculty member, the President can authorize issuing a revised contract with an appropriately adjusted base salary. These special activities will involve teaching, research, administration, and/or service clearly in addition to the normal activities and responsibilities expected on these four dimensions through the regular base contract.

Professional activities which promote a faculty member's growth and competence in his or her discipline (such as consultant, workshop participant, judge, referee, etc.) and which are remunerated by funds not administered by the University will be regulated by the policy on consulting activities as published in the Faculty Handbook.

1. Research Grants

UND expects faculty/staff to continue their professional development through active participation in research and other scholarly pursuits.

Since the University resources available for such activities are limited, UND encourages faculty/staff to solicit and obtain funds from potential sponsoring agencies, such as federal and state government, private foundation, industry and business.

This external support is generally awarded as grants, contracts, or cooperative agreements, with the University of North Dakota as the responsible fiscal agent.

A faculty or staff member is named as principal investigator (PI), and is responsible for conducting the instructional, research, or service project in accordance with the conditions of the award.

Position funding is governed by the provisions of State Board of Higher Education (SBHE) policy. In addition, UND has implemented policies and procedures governing research grants in accordance with SBHE and other external requirements.

Responsible Office: Research Development and Compliance (RD&C) and Grants & Contracts Administration (GCA)
Related Information

- [UND GCA Summer Research Salary Guidance](#)
- [UND Effort Reporting Policy](#)

2. Consulting Practices

A full-time member of the University of North Dakota faculty and administration is first and foremost a member of the University staff. Therefore, any consulting must be approved by the chairperson of the department and the college dean or appropriate administrative supervisor. A request to accept a consulting assignment must be submitted in writing by the faculty member for review and approval prior to initiation of the activity.

A faculty member or administrator's first obligation is to perform all services associated with his or her contract at the University. The unique demands for a faculty member at the University of North Dakota go beyond the traditional teaching, research and creativity, service triad to include activities that cannot always be programmed or clocked. For example, a faculty member is expected to be accessible to his or her students and to spend time counseling and advising them. He or she is expected to participate in continuing professional development. He or she is expected to serve on departmental, college, and University-wide committees.

A faculty member's involvement in consulting, compensated or uncompensated, should not exceed four days in any one month and should be directly related to the faculty member's:

1. Area of professional expertise, and

2. Self-development in his or her profession. Any exceptions to this policy should be approved by the Academic Vice President.

Faculty are generally expected to provide their services to University activities and programs as part of their normal faculty duties. In unusual circumstances, regular University faculty and staff can serve as consultants to projects of activities supported with University administered funds provided all of the following criteria are satisfied:

1. The services of the individual are required and cannot be met by the utilization of the individual acting as a regular employee within the context of his or her employment contract with the University;
2. A selection process has been used to secure the most qualified individual available, considering the nature and extent of service to be required;
3. The services must be performed across departmental lines or disciplinary specialty or must involve a separate or remote operation within the University; and
4. The fee is appropriate considering the qualifications of the individual to be utilized, the individual's regular University salary rate, and the nature of the services to be rendered.

When the fee is to be charged to a sponsored project, it must conform to any limitation established by the grantor, and in no such case may the fee exceed the regular University base contract salary rate for an equivalent time period, although it may be less. In addition, the Office of Grants and Contracts may require a separate certification and additional information at the time the payment authorization is processed justifying the necessity of hiring the consultant and the level of payment.

NOTE: Special arrangements have been made for the Clinical Departments in the School of Medicine for increased income, outside activities, and consulting activities of their clinical faculty.

Responsible Office: Research Development and Compliance (RD&C) and Grants & Contracts Administration (GCA)

Related Information

- [SBHE Policy 611.1 – Employee Responsibility and Activities: Medical Service Plan – UND Medical School](#)
- [SBHE Policy 611.5 – Employee Responsibility and Activities: Outside Employment or Consulting Practices: Use of Institution Property](#)
- [NDCC 39-01-04 – Political activity defined](#)

3. Intellectual Property

The University of North Dakota is governed by the Bayh-Dole law (P.L. 96-517 and 98-620 as amended) which sets out the disposition of inventions made with federal assistance. The law provides that nonprofit organizations and small businesses may elect to retain title to inventions conceived or first actually reduced to practice in the performance of work under a funding agreement. The University must disclose each subject invention in a timely manner and comply with other regulatory actions. In addition, UND must grant the U.S. government a royalty free license for governmental purposes, give preference to U.S. manufacturers, give preference to small businesses and share royalties with inventors. UND must periodically report its licensing activity to the government.

The management of university intellectual property is complex because there are often many conflicting interests. UND's Intellectual Property Commercialization & Economic Development (IPCED) works at the interface of science, business and law within the multiple contexts of University, industry and government. IPCED knows that the key to UND's success is its ability to work well with UND's diverse constituencies – inventors, departments, schools, industry, the U.S. government and the University.

IPCED has signature authority on behalf of the University for license agreements, material transfer agreements, confidentiality agreements and other agreements that pertain to intellectual property. It is

responsible for drafting and negotiating all of the University's legal intellectual property agreements, such as confidentiality, material transfer and licensing agreements. University faculty and other inventors are not authorized to sign agreements that obligate the University to assign or license intellectual property rights to another entity.

Responsible Office: Intellectual Property Commercialization & Economic Development
Related Information

- [UND Intellectual Property Policy](#)
- [SBHE Policy 611.2 – Employee Responsibility and Activities: Intellectual Property](#)
- [37 CFR 401 – Rights to Inventions Made by Nonprofit Organization and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements](#)

4. Confidential Information

Maintenance and protection of proprietary information is the responsibility of those disclosing and receiving it. This includes both proprietary information originated within UND as well as third party information provided to UND under non-disclosure agreements. In addition, individuals are responsible for maintaining confidentiality of research where the development of protectable technology is anticipated.

Trade secret, proprietary, commercial and financial information is confidential and not subject to the state's open records law if it is of a privileged nature and has not been previously publicly disclosed.

Responsible Office: Intellectual Property Commercialization & Economic Development
Related Information

- [UND Intellectual Property Policy](#)
- [UND Policy and Compliance Program Manual for United States Export Control Laws and Regulations](#)
- [SBHE Policy 611.6 – Employee Responsibility and Activities: Confidential Proprietary Information](#)
- [NDCC 44-04-18.4 – Confidentiality of trade secret, proprietary, commercial, and financial information](#)
- [NDCC 44-04-18.5 – Computer software programs exempt](#)

5. Conflict of Interest

Outside activities advance and communicate knowledge through interaction with government, industry, the community, and the public. UND has implemented policies and procedures governing conflict of interest in accordance with federal regulations, state law, and SBHE requirements. These documents define the nature of conflicts of interest, provide principles that guide identification and disclosure of such conflicts, identify the responsibilities of all parties involved, define disclosure procedures, and provide a structure for enforcement ultimately allowing UND faculty, staff and students to identify, disclose, manage, and monitor non-University activities that may create conflicts between their interests and the interests of the University.

As a service to the University community, and in a manner consistent with the University's obligations under state and federal law, and SBHE policy, the University makes appropriate training in conflict of interest available to employees on a regular basis. Employees should be aware that documented completion of such training may be a prerequisite for application, award and use of certain funding.

Responsible Office: Intellectual Property Commercialization & Economic Development
Related Information

- [UND Conflict of Interest Policy](#)

- [UND Ethical Conduct in Research, Scholarship, and Creative Activity Policy](#)
- [SBHE Policy 611.4 – Employee Responsibility and Activities: Conflict of Interest](#)
- [NDCC 12.1-13-03 – Public servant's interest in public contracts](#)

6. Ethical Conduct in Research, Scholarship and Creative Activity

Scholarship is defined as all creative activity that supports the intellectual endeavors of the University of North Dakota (UND/University). The integrity of the scholarship process is an essential aspect of a university's intellectual and social structure. Although incidents of misconduct in scholarship are rare, those that do occur threaten the entire scholarship enterprise.

The integrity of the scholarship process must depend largely upon self-regulation. All members of the university community, including all faculty, staff, administrators, and students, both full- and part-time, who are affiliated with the University, share responsibility for following the implemented standards to assure ethical conduct in scholarship, integrating these standards into their own work and reporting any abuse of the standards by others.

The University is responsible for promoting practices that prevent misconduct. To that end, UND formalized the rights and responsibilities of the University and university community in conducting scholarship through policy, and created procedures for dealing with allegations of misconduct.

It is important to create an atmosphere that encourages openness and creativity. It is particularly important to distinguish misconduct in scholarship from the honest error and the ambiguities of interpretation that are inherent in the scholarship process. The policy is not intended to address all academic issues of an ethical nature such as discrimination and affirmative action which are covered by other University policies.

Responsible Office: Vice President for Research and Economic Development
Related Information

- [UND Ethical Conduct in Research, Scholarship, and Creative Activity Policy](#)

VI. Salary and Compensation

1. Salary Administration Policy for Faculty Employees

University of North Dakota strives to attract and retain well-qualified faculty employees. When possible, the University will be responsive to market influences with consideration for internal equity.

Responsible Office: Office of the Vice President for Academic Affairs and Provost
Related Information

- [UND Salary Administration Policy for Faculty Employees](#)

2. Pay Transparency

The University of North Dakota will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceedings, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the University's legal duty to furnish information.

Responsible Office: Human Resources / ~~Equal Employment Opportunity/Affirmative Action~~ [Equal Opportunity & Title IX](#)

Related Information

- [UND Salary Administration Policy \(contact Human Resources\)](#)

3. Compensation

New faculty members will receive a new employee on-boarding link to use for completion of all mandatory information and selection of benefits through Employee Self-Services, NDPERS link and TIAA website. Mandatory forms must be completed prior to receiving a paycheck. New employee orientation is available to all employees: <http://UND.edu/finance-operations/human-resources-payroll/human-resources/online-orientation/new-hire-orientation.cfm>.

The base salary for faculty members is normally for the academic year with the pay period beginning August 16 and ending May 15, or for twelve-month faculty with a pay period beginning July 1 and ending June 30. Pay day for all employees is the last day of the month for the period from the first day of the month to the fifteenth day of the month, and the fifteenth day of the following month for the period from the sixteenth day of the month to the end of the month; however, if the pay date should fall on a Saturday, Sunday, or holiday, the preceding work day is the payday.

Faculty or staff, with less than a twelve-month contract, may request their base compensation to be paid over twelve months. The request must be made no later than 15 calendar days prior to the start of a new contract period. The twelve month payment request form, with necessary qualifications and additional information, is available through Human Resources' website.

Responsible Office: Human Resources

Related Information

- [NDUS Human Resources Policy 5 – Pay Policy](#)
- [NDUS Procedure 702.0 – Salary Deferral/Payback Plan](#)

4. Payroll Deductions

UND's Payroll Services may deduct various payments from the paychecks of its employees, and on behalf of the employees. Deductions may include, but are not limited to:

1. Applicable federal, state, and local taxes;
2. Assignments, levies, and garnishment mandated by legal judgment;
3. Participation in NDPERS or TIAA group retirement programs;
4. Participation in PERS group health insurance programs;
5. Participation in a specific employee insurance and tax deferred annuity plan when a plan provider has been requested by a minimum of 50 University System employees and approved by the Chancellor or Chancellor's designee.

Responsible Office: Human Resources

Related Information

- [NDUS Procedure 703.2 – Payroll Deductions](#)

5. Severance Pay

Subject to the following provisions, UND may provide severance pay to an employee who is released due to a reduction in force.

1. The maximum payment is the equivalent of the individual's salary and benefits (retirement and health) for two weeks per completed year of service, up to a maximum of one year of salary and benefits.
2. The number of employees in the institution, agency, or entity must be reduced by one for each

- individual awarded severance pay.
3. Employees may not receive severance pay if they are awarded early retirement, developmental leave, or other forms of special compensation when they leave.
 4. Employees receiving severance pay must release the institution from liability and all employment rights by written agreement.
 5. The severance pay agreement with an employee must provide that the employee shall reimburse the institution on a pro-rata basis if salary compensation is received from another North Dakota state agency or institution for services rendered during the time for which severance pay was received. The amount to be reimbursed shall be equal to the hourly rate of severance compensation or subsequent state compensation, whichever is less, multiplied by the number of hours of subsequent state employment during the severance pay period.

Consistent with NDCC 54-14-04.3, UND may provide financial incentives to encourage an employee to retire or resign if the employee's departure will increase efficiencies or reduce expenses.

Responsible Office: Human Resources
Related Information

- [SBHE Policy 707- Severance Pay](#)
- [NDCC 54-14-04.3 – Severance Pay](#)

VII. Benefits

Eligible faculty members are granted benefits including health insurance, life insurance, deferred compensation and retirement. All university system employees must participate in the social security program as provided by law.

Responsible Office: Human Resources
Related Information

- [SBHE Policy 703.2 – Benefits](#)

1. Medical Insurance

Health insurance for university system employees is provided under the state uniform group insurance program governed by North Dakota Century Code.

Faculty members have the option of participating in a regular medical plan or a high deductible plan with a health savings option. Single or family coverage is offered, with the University paying the full premium for any of the above options. Faculty members must enroll for the medical plan within 31 days of hire date. The insurance will become effective the first day of the month following the date of employment. After 31 days of hire, employees must wait until the annual open enrollment or have a qualifying event under the special enrollment process to apply for health coverage.

Long term care insurance, AFLAC insurance, dental insurance, and vision insurance may also be purchased by faculty members through payroll deductions. Information and application forms are available from Payroll Services

Responsible Office: Human Resources
Related Information

- [NDCC 54-52.1 – Uniform Group Insurance Program](#)

2. Life Insurance

University system employees are covered by the state employee group life insurance policy.

Faculty members eligible for medical insurance are also provided with basic life insurance through both the State and the University. State Life provides \$3500 of term insurance. Faculty members have this benefit whether or not they have chosen to participate in medical insurance. Applications for this insurance must be filed with the Payroll Office within 31 days of hire date to eliminate the need to prove insurability, with limits. Additional amounts of term insurance are available through payroll deduction, and faculty members may also purchase insurance for their spouse or dependents.

University Life provides \$5000 of term insurance to eligible faculty members. Applications for this insurance must be filed with the Payroll Office within 31 days of hire date to eliminate the need to prove insurability, with limits. Faculty members may also purchase additional amounts of term insurance for themselves or spouse/dependents through payroll deduction. Full information concerning this additional coverage is available at the Payroll Office.

Responsible Office: Human Resources

Related Information

- [NDCC 54-52.1 – Uniform Group Insurance Program](#)

3. Long Term Disability Insurance

Eligible faculty members are covered by a disability insurance, paid in full by the University. Additional information concerning long term disability insurance may be obtained from Payroll Services.

Responsible Office: Human Resources

Related Information

- [UND Long Term Disability Insurance Plans](#)
- [NDCC 54-52.1 – Uniform Group Insurance Program](#)

4. Employee Assistance Program

All employees of the University of North Dakota and their immediate families are eligible to participate in the employee assistance program (EAP), which is a confidential assessment/counseling/referral service staffed by trained professionals. All services provided by EAP are confidential.

Responsible Office: Human Resources

Related Information

- [UND's Employee Assistance Program](#)

5. Workers' Compensation

All employees at the University are protected by the North Dakota Workers' Compensation Act against accidental occupational injury or illness in the performance of their official duties. To facilitate this process, all incidents must be reported to the Office of Safety within 24 hours of incident.

UND employees who are injured on the job should follow this procedure:

1. If injury is an emergency, dial 911 immediately. Also, contact the Office of Safety at (701) 777-3341 immediately after.
2. For all injuries, except emergencies, report to:
3. Altru Occupational Health, 1300 S Columbia Rd., (701) 780-1947, or
4. Your designated medical provider (must be on file with the Office of Safety prior to injury).
5. Complete the incident reporting form and give it to your supervisor. This report, along with the supervisor's incident investigation form – part 1, is to be submitted to the Office of Safety within 24 hours of incident.

Follow up with the Office of Safety regarding any doctor's reports of injury, workability forms, assessments, etc., for workers' compensation reporting.

Responsible Office: Office of Safety

Related Information

- [UND Incident Reporting Policy](#)
- [NDUS Human Resource Policy 8 – Worker's Compensation](#)
- [NDCC 65 – Workforce Safety and Insurance](#)

6. Faculty Maternity Leave Benefits Policy

Benefited members of the faculty giving birth are entitled to maternity leave benefits. Maternity leave benefits shall release the faculty member from all employment-related duties for up to six (6) weeks from the date of delivery. During any portion of those six weeks for which the faculty member is under contract, this benefit consists of a leave with full payment of the faculty member's base salary for that portion of the contract.

The faculty maternity leave benefit is distinct from any other benefits provided by UND or guaranteed under federal or state law. Application of the maternity leave policy shall not diminish such other benefits.

Although not part of the policy, the following illustrations were discussed by the Senate when the policy was reviewed and voted upon.

Illustrations

Length of Contract	Birth Date of Child	Leave Begins
9 months	October 1	6 weeks maternity leave begins on date of delivery
9 months	May 1	Maternity leave begins on date of delivery and extends to end of contract – May 15
9 months	August 1	Maternity leave begins on first day of contract – August 16 – and extends until September 12 (6 weeks from August 1)
9 months plus summer contract		Maternity leave period could extend into summer contract period or begin in summer contract period
9 months	October 1	Maternity leave from October 1 to November 12 Mother's medical condition prevents return to work sick leave benefit (if available, short term up to 13.5 days at 100% pay, then long term for

up to 5 months at 75% pay)
begins on November 12

9 months October 1
Maternity leave from October 1 to November 12
Child's medical condition prevents return to work, or Mother wishes to remain with child after November 12
federal Family Medical Leave Act benefit (unpaid leave) begins on November 13 and extends for up to 12 weeks

9 months October 1
Maternity leave from October 1 to November 12
Return to work on November 13 but not assigned responsibility for teaching during that semester
faculty member's assignment of responsibilities for the contract period may be adjusted with full pay without teaching responsibility for all or part of the contract period

2/5/09, Approved by University Senate

3/26/09, Approved by President Kelley

VIII. Retirement

1. Early Retirement

The 1983 North Dakota Legislature enacted legislation permitting the State Board of Higher Education, institutions, and tenured faculty greater flexibility in negotiating early retirement buy outs, phased retirements, and reversible retirements. For further information, contact the Office of the Vice President for Academic Affairs.

Early retirement is available as a cost saving tool and a vehicle for the infusion of new thoughts, ideas, and skills by the opening up of positions. Early retirement may not be used as a device to circumvent the due process procedures for dismissals. Early retirement is not an entitlement and may be used only when the institution has documented the benefits resulting from the agreement.

This policy applies to tenured faculty, the chancellor, vice chancellors and other system office professional staff, and presidents, executive deans, vice presidents, provosts, deans and other officers responsible for a major unit of an institution who report directly to a president, vice president, provost, or executive dean who are members of TIAA, TFFR, or TIRF.

The UND early retirement agreement form can be obtained from the Office of the Vice President for Academic Affairs.

Responsible Office: Human Resources and Office of the Vice President for Academic Affairs/Provost Related Information

- [SBHE Policy 703.1 – Early Retirement](#)

2. Retirement

UND employees should consider several matters in preparation for retirement. Employees should be aware of North Dakota State Board of Higher Education and UND policies regarding retirement.

Employees should contact the following agencies during the months preceding retirement: Social Security Administration, TIAA/NDPERS, UND's Payroll Services.

Contact the Social Security Administration two or three months before retirement. Within two or three months of reaching age 65, contact Social Security. Even if retirement is not planned, contact Social Security to find out about Medicare.

Social Security Administration
402 DeMers Avenue
Grand Forks, ND 58201
(800) 772-1213
(701) 772-5518
www.ssa.gov

Contact TIAA and NDPERS one to three months before retirement, requesting illustrations of benefit options and the forms necessary to begin receiving payments.

TIAA-CREF
730 Third Avenue
New York , NY 10017
(800) 842-2776

ND Public Employees Retirement
P.O. Box 1657
Bismarck , ND 58502
(800) 803-7377

Contact Payroll Services one to three months before retirement to ask questions regarding your benefits and to complete the necessary benefit paperwork.

UND HR and Payroll Services
Twamley Hall, Room 312
264 Centennial Drive, Stop 7127
Grand Forks , ND 58202
(701) 777-4226

Responsible Office: Human Resources
Related Information

- [SBHE Policy 703.3 – Retirement](#)

A. Teacher's Insurance and Annuity Association (TIAA)

The faculty of the institutions of the North Dakota State Board of Higher Education (SBHE), and the professionals and administrators excluded from the classification system as defined in SBHE Policy 606.1 must participate in the TIAA 401(a) plan adopted by the SBHE unless otherwise excepted by legislation or previous agreement. Other employees of the institutions are eligible to participate in the TIAA plan as permitted by such plan adopted by the SBHE. Contributions are vested and belong to the employee the day the institution begins to make them.

TIAA contract contained in the appendices of the State Board of Higher Education Policies and Procedures manual govern participation in this plan.

TIAA Plan Contributions as a Percent of Regular Salary

Class I*

Years of Service	0-10	Over 10
Your Contribution	4.5% of salary	5% of salary
Institution Contribution	12.5% of salary	13% of salary
Total	17% of salary	18% of salary

**Class I - Teaching and research faculty with ranks of professor or associate professor, research personnel with equivalent rank, and executive and administrative staff.*

TIAA Plan Contributions as a Percent of Regular Salary

Class II*

Years of Service	0-2	3-10	Over 10
Your Contribution	3.5% of salary	4.5% of salary	5% of salary
Institution Contribution	7.5% of salary	12.5% of salary	13% of salary
Total	11% of salary	17% of salary	18% of salary

**Class II - Teaching and research faculty with ranks of assistant professor or instructor, research personnel and lecturers with equivalent rank, and professional staff.*

*Responsible Office: Human Resources
Related Information*

- [SBHE Policy 606.1 - Classification - Higher Education Employees](#)
- [SBHE Policy 703.3 – Retirement](#)

B. Tax Deferred Annuities (TDA)

Tax deferred annuities (TDA) allow employees to contribute a part of their salary to retirement savings and defer the taxes until the time of withdrawal. There are several 403(b) tax deferred annuities and 457(b) deferred compensation plans available through Payroll Services, including TIAA. TIAA also has a Roth option with the 403(b). All employees at UND are eligible to participate in the 403(b) plans. Please refer to the following site for more information on available 403(b) and 457(b) vendors, along with enrollment information and plan documents.

*Responsible Office: Human Resources
Related Information*

- [UND Enrollment Information and Plan Documents](#)
- [SBHE Policy 703.3 – Retirement](#)

C. Retirement Income Options

TIAA offers many annuity options to choose from. For more details on retirement options please refer to the plan document located on Human Resources' website or contact TIAA. The participant can also receive up to 100 percent of CREF accumulation in a lump sum at retirement or termination of employment once the participant reaches age 55. The participant may also receive a lump sum distribution if they are no longer employed at this institution and have less than \$20,000 total accumulation

Responsible Office: Human Resources

Related Information

- [UND Retirement Plan Documents](#)
- [SBHE Policy 703.3 – Retirement](#)

IX. Leaves

1. Developmental Leave

Developmental leave for retraining and/or professional development is permitted for university system employees providing:

1. Institutional resources are available;
2. Workload is absorbed within the existing staff resource allocations;
3. A written proposal describing the planned use of the leave and its anticipated benefits to the institution, to the state, and to the employee is approved. The proposal shall also include the detail of the source of funds for the total stipend;
4. Except as provided in SBHE Policy 701.2(e), the employee signs an agreement to return to the system upon completion of the leave for a period of time at least equal to the leave time or refund the stipend payment; or
5. To assist in retrenchment efforts, developmental leave may be granted without a signed agreement to return. The employee must execute a resignation effective at the termination of the developmental leave.

Developmental leave may not exceed 12 months and the base stipend may not exceed the salary scheduled for the leave period.

Responsible Office: Human Resources

Related Information

- [SBHE Policy 701.2 – Developmental Leave](#)

2. Sick Leaves, Dependent Leave, Disability Leave, and Family Leave

A. Sick Leave

Sick leave and dependent leave are benefits granted by the institution to faculty and academic staff to use for short-term and long-term illness. For purposes of eligibility for short-term sick leave, faculty and academic staff are defined as being benefited employees who are tenured, probationary, or on special appointment. For purposes of eligibility for long-term sick leave, faculty and academic staff members are defined as benefited, full time. Faculty whose special appointment is less than full-time will be prorated for both short-term and long-term sick leave. Faculty and academic staff members are entitled to family leave as defined under family leave in SBHE Policy 607.4 Sick leave does not accumulate from appointment period to appointment period and has no cash value upon the employee's separation from the institution.

B. Short-Term Sick Leave

A faculty or academic staff member may be compensated with pay at the rate of 1.50 days per contract month because of short-term illness. Faculty and academic staff, who take leave under this policy, must make reasonable efforts to ensure that his/her work responsibilities are covered and must inform his/her department head of their expected absence prior to the start of the scheduled work period. The department head will keep a record of leave taken and may require medical verification for short-term illness.

C. Long-Term Sick Leave

If inability to work is appropriately documented, a faculty and academic staff member who is sick or disabled and has used their short-term leave may be granted long-term sick leave. Long-term sick leave may be granted, at the rate of 75 percent of his/her regular base salary, for a period of up to five months, or until the end of the contract term, whichever occurs first. If medical documentation is not sufficient to grant long-term leave, then the faculty member's pay may be reduced commensurate with workload. The faculty and academic staff member shall submit a long-term sick leave application to the appropriate department head/chairperson; the department head/chair must obtain written approval from the dean to grant long-term sick leave. The department is responsible for making arrangements to cover the work responsibilities of the faculty and academic staff member. If a second or subsequent request for long-term sick leave occurs within five years from the end of the most recent long-term sick leave, the appropriate vice president must authorize the request. Family Medical Leave Act (FMLA) leave can be designated at any time and can run concurrently with long-term sick leave.

D. Disability Leave

A faculty or academic staff member who cannot return to work after taking long-term sick leave may be eligible for disability benefits under the institution's TIAA disability insurance. The faculty and academic staff member should contact Payroll Services to determine eligibility.

E. Dependent Leave

A faculty or academic staff member who wishes to attend to the needs of an eligible family member who is ill or to assist them in obtaining other services related to their health or wellbeing may use a portion of his/her short-term sick leave benefit. Eligible family members include the employee's spouse, parent (natural, adoptive, foster, and step-parent); child (natural, adoptive, foster, and step-child); or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family members. Short-term sick leave used for this purpose shall not exceed forty hours per calendar year.

F. Family Leave

Faculty and academic staff members are entitled to family leave in accordance with SBHE Policy 607.4 and the Family and Medical Leave Act of 1993. Family leave is defined in SBHE Policy 607.4 as "an unpaid leave of absence for the birth, adoption, or foster placement of a child; or for the serious health condition of the employee, the employee's parent, child, or spouse."

Responsible Office: Human Resources

Related Information

- [UND Long-Term Medical and Family Leave Policy](#)
- [SBHE Policy 607.4 – Sick and Dependent Leave: Family Leave](#)

3. Leave Without Pay

Faculty members seeking leave without pay should discuss their requests with their department chairperson, dean, and the vice president for academic affairs. Consideration will be given to staffing concerns as well as personal circumstance. Faculty members on probationary appointments should also consult the Faculty Handbook regarding extensions to the normal time spent on probation, as appropriate.

Responsible Office: Human Resources
Related Information

- [UND Leave Without Pay Policy](#)
- [SBHE Policy 701.1 – Leave Without Pay](#)

X. Study Opportunity

1. Tuition Waiver and/or Tuition Assistance

Benefited University of North Dakota (UND) employees and their family members who meet specified requirements are eligible for tuition waivers and/or tuition assistance. For courses taken at the request of the employee, UND will waive or provide tuition assistance for benefited employees, limited to three approved for-credit undergraduate or graduate courses during each calendar year. For courses taken at the request of the employer, from either a NDUS or non-NDUS institution, the waiver or assistance provided will be determined by the employer.

Employees may be released from work for one face-to-face class each academic term with approval of the employee's supervisor or department head, if it does not interfere with completion of essential job duties and essential work of the institution.

Family members of eligible UND employees are eligible for a 50 percent tuition waiver for approved for-credit undergraduate or graduate courses, regardless of delivery method. Employees and family members need to be aware that tuition waivers decrease the student financial need; therefore, it may decrease the amount of any financial aid awarded/received.

Responsible Office: Human Resources
Related Information

- [UND Employee and Eligible Family Member Tuition Waivers and Tuition Assistance Policy](#)
- [SBHE Policy 820 – Tuition Waivers/Tuition Assistance](#)<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=499&SID=9>

XI. Travel

Payment of travel expenses, per diem allowances and travel advances are governed by the provisions of North Dakota Century Code (NDCC). University of North Dakota has implemented policies and procedures governing university travel in accordance with NDCC and State Board of Higher Education (SBHE) requirements.

Responsible Office: UND Procurement and Payment Services
Related Information

- [UND Travel – Employee: Advance Policy](#)
- [UND Employee Travel: Air and Rail Policy](#)
- [UND Employee Travel: Lodging Policy](#)
- [UND Employee Travel: Meals Policy](#)
- [UND Employee Travel: Mileage Policy](#)
- [UND Employee Travel: Other Policy](#)
- [UND Non-Employee Travel Policy](#)
- [UND Student Travel Policy](#)
- [SBHE Policy 706.3 – Authorization for Travel](#)
- [SBHE Policy 806.1 – Payment or Reimbursement of Meals and Other Travel or Institutional Expenses](#)
- [NDUS Procedure 806.1 – Payment or Reimbursement of Meals and other Travel or Institutional Expenses](#)

- [NDCC 44-08 – Miscellaneous Provisions](#)
- [NDCC 54-06-09 - Mileage and travel expense of state officers and employees](#)

1. Use of State Vehicles

The use of North Dakota State Fleet or UND leased vehicles will be limited to travel by individuals who are acting on behalf of the State or UND.

Responsible Office: UND Parking and Transportation Services / UND Office of Safety
Related Information

- [UND Use of State Vehicles Policy](#)
- [SBHE Policy 512 – Student Drivers and Use of State Vehicles by Student Groups](#)
- [NDCC 39-01-03 – Motor vehicle owned by the state, North Dakota art museum, or an international peace garden not to be used for private use or in political activities](#)

XII. Emergency Operations

UND has a comprehensive plan and infrastructure to provide guidance for coordinated response to minor emergencies, major emergencies, disasters, and any real or potential threat to the safety of the members of the campus community. These systems and protocols include:

1. Emergency operations plan (EOC) with incident-specific annexes and functional appendices
2. Campus security plan (CSP)
3. Office of Emergency Management and website
4. Emergency notifications (e.g., UND-Alert, outdoor warning system, In Case of Crisis app, etc.)
5. Timely warnings in compliance with the Clery Act
6. Emergency Operations Center (EOC)
7. Emergency management team
8. Virtual emergency management system (Veoci)
9. Building safety and security representatives (BSSRs)
10. Building emergency action plans (BEAPs)
11. Continuity of operations plans (COOPs)
12. Emergency Operations Center training manual including emergency procedures
13. National incident management system (NIMS), incident command system (ICS) and Federal Emergency Management Agency (FEMA) training for EOC staff, BSSRs, and executive staff; campus drills; and tabletop and functional exercises with local, regional and state partners

Responsible Office: UND Office of Emergency Management
Related Information

- [UND Emergency Response and Evacuation Policy](#)
- [UND Administering Timely Warnings Policy](#)

XIII. Research Utilizing Human Subjects

All research involving human subjects and all other activities which, even in part, involve such research, regardless of sponsorship, must be reviewed and approved by the University of North Dakota (UND) Institutional Review Board (IRB). No intervention or interaction with human subjects in research, including recruitment, may begin until the IRB has reviewed and approved the research protocol. Specific determinations as to the definition of research or human subject, and their implications for the jurisdiction of the IRB under UND policy, are determined by the IRB.

Responsible Office: Institutional Review Board
Related Information

- [UND IRB Authority and Purpose Policy](#)
- [UND Activities Requiring IRB Review Policy](#)

XIV. UND Tobacco-Free Campus Policy

University of North Dakota (UND) is a tobacco-free campus. The use of tobacco is prohibited within university buildings, parking structures, walkways, arenas, in university or state fleet vehicles, and on university-owned and controlled property.

Responsible Office: UND Health & Wellness

Related Information

- [UND Tobacco-Free Campus Policy](#)

XV. UND Alcohol and Drug Policy

University of North Dakota (UND) prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs. The impairment by alcohol or drugs of any student or employee while participating in an academic function, or of employees when reporting for work or engaging in work – during normal work hours or other times when required to be at work – is also prohibited. UND employees and students are required to abide by all federal and state laws, local ordinances, State Board of Higher Education policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs.

Responsible Office: UND Health & Wellness

Related Information

- [UND Alcohol and Drug Policy](#)
- [SBHE Policy 615 – Drug-Free Workplace](#)

XVI. Campus Security

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the University of North Dakota publishes an annual security and fire safety report. The report includes the university's policies, procedures, and programs concerning safety and security, as well as three years of crime statistics for the campus. This report must be distributed to all current and prospective students, faculty, and staff.

The report and statistical data may be found online at: <http://UND.edu/annual-security-report>.

Paper copies of the report may also be requested from the UND Police Department located at 3851 Campus Road, Grand Forks, ND, 58202.

Responsible Office: Department of Public Safety

Related Information

- [UND Annual Security and Fire Safety Report](#)

XVII. Claims

1. Liability Claims

The University of North Dakota is committed to the protection of its employees, visitors, facilities, information systems, and financial resources. Safety and loss control programs are provided for the

benefit of employees, visitors, taxpayers, and the environment. UND's management program and its loss control committee shall serve as a source for leadership and policy guidance on matters affecting risk management, environmental and occupational health, safety, and the security of persons and properties. Loss control requires the commitment of everyone at all levels – division directors, risk management contacts, safety directors, and all employees.

UND's Office of Safety has adopted procedures for reporting all incidents resulting in injury to any person, property damage, and other incidents or acts that may result in a liability claim against the state, an institution, or an employee or agent of the state. Employee responsibility is outlined in the UND Incident Reporting Policy.

Responsible Office: UND Office of Safety
Related Information

- [UND Incident Reporting Policy](#)

2. Risk Management Fund/Lawsuits Against Employees

Legislation adopted by the North Dakota Legislative Assembly in 1995 established Chapter 32-12.2 of the North Dakota Century Code. This chapter governs the administration of the Risk Management Fund and claims against the state and state employees for personal injury, death, or property damage caused by the state or a state employee acting within the scope of the employee's employment. The fund administers all claims filed against the state, its agencies and employees. If you have any questions concerning this issue, you can access a copy of the Risk Management Manual, Section 6 North Dakota State Employee Defense, by accessing the State of North Dakota Risk Management Website (<https://www.nd.gov/omb/agency/risk-management-services/risk-management-fund>), or by contacting UND's Risk Management Officer at (701) 777-2785.

A. Procedures in the Event of a Lawsuit

If you are served with a legal document asserting a claim against you as a state employee, you should immediately notify your supervisor, legal counsel, and Risk Management. UND Legal Counsel can be contacted by calling (701) 777.6345. UND Risk Management can be contacted by calling (701) 772-2785.

For further information, please contact UND's Risk Management Officer at (701) 777-2785.

Responsible Office: UND Risk Management and UND Legal Counsel
Related Information

- [NDCC 32-12.2 – Claims against the state](#)

Section III: Teaching Policies and Procedures

I. Class Schedules and Teaching Assignments

In advance of each semester, the Registrar sends to the college deans and to the department chairpersons requests for lists of classes offered. Department chairpersons are responsible for determining the schedule of courses to be taught, and for assigning courses to individual faculty members. In making course schedules and teaching assignments, consideration should be given to the course offerings required to meet student needs, areas of faculty specialization, appropriate balance of time for teaching and research, equity of load between faculty members, and other factors. After being prepared in the department, course schedules and faculty teaching assignments are approved by the college dean and submitted to the Registrar. Changes in the time or place of class meetings, or in the number of class meetings per week, should be made only after the expressed approval of the department chairperson. Department chairpersons are expected to notify their dean and the Office of the Registrar of all class changes.

University Registrar, 11-10-98

POLICY

1. University system institutions shall operate under a common academic year calendar approved by the Chancellor. The Chancellor shall approve academic year calendars at least two years in advance and may approve a perpetual calendar.
2. Academic year calendars must include at least 160 class days, including test days, but excluding class holidays and days reserved for orientation, registration and commencement. Institutions may designate one class day before finals each semester as a reading/review day.
3. Academic year calendars are subject to the following guidelines:
 - a. Class holidays are Labor Day, Veterans' Day, Thanksgiving Day and the Friday following, Martin Luther King Day, Presidents' Day, and the Friday before and the Monday after Easter Sunday;
 - b. Fall semester ends before Christmas;
 - c. There is at least a two week break, including Christmas and New Year's Day, between Fall and Spring semesters;
 - d. There is a one week Spring semester break beginning the Monday following 40 class days; and
 - e. Finals week begins on a Monday.

State Board of Higher Education Policy Manual, 04-17-98 , Section [406.1](#)

II. Student Advising, Office Hours

One of the important obligations of UND faculty members is to be available for advising students. Department chairpersons often find it necessary to call on faculty members to help in the advisement of undergraduate majors. Members of the Graduate Faculty have an important responsibility for advising graduate students, for service on their advisory committees, and for serving as thesis or dissertation advisers. In order to carry out these and other individual advising responsibilities, faculty members are asked to set aside several hours each week for office hours and to post a listing of these hours in a readily accessible place. The University encourages continuing communication between faculty and students to enhance the advisement process. Regardless of whether academic advising in a college and/or academic department is mandatory or voluntary, ultimately it is the student's responsibility to meet the stated requirements for the degree sought, as listed in the appropriate catalog or bulletin. Every student is held accountable for complying with the information contained in this catalog and the Time Schedule of Classes for each term. Registration also is the student's personal responsibility.

University Registrar, 11-10-98

III. Size of Classes

In general, an effort is made at UND to achieve a bimodal distribution of class sizes. For courses in which small size has special advantages, e.g., laboratory sections, language classes where discussion is important, class size is ordinarily restricted from 20 to 30 students. Courses which are primarily lecture, and which require only minimal amounts of class discussion are allowed to range in size from 50 up to several hundred. When faculty members have very large classes, reader or grading assistance is usually made available.

University Registrar, 12-21-98

SEE ALSO: State Board of Higher Education Policy Manual, 04-27-01 , Section [440](#) (Enrollment Reporting)

IV. Student Absences

1. Policy on Student Attendance and Participation

Attendance and participation in class activities are considered integral parts of a university education. It is University policy that attendance in classes is expected of all students. While attendance is necessary to demonstrate competence via participation in some classes, attendance itself is not a measure of competence and therefore, shall not be used as a criterion for evaluation. Students' grades shall be based on recognized academic standards, e.g., scholarly achievement and examination performance. Faculty are encouraged to find appropriate ways to reflect in their grading the quality of participation and contributions of students to their classes. Students shall be informed by their instructors during the first week of classes of the criteria to be used in assigning grades in each course.

Approved: UND Senate, 01-17-74

2. Instructor's Drop Policy

An instructor may submit a list of students to be deleted from class roles who have neither attended class nor notified the instructor of withdrawal within the first five days from commencement of University instruction. The Registrar will delete from the class rolls the names of students received and mail to the current local address a revised class schedule to each student dropped from a course in this manner.

Not all instructors follow this policy since it is not mandatory. Students, therefore, are strongly advised not to assume that they have been dropped from a course. Students should review their registration status in a course in question with the Office of the Registrar.

SEE ALSO: [UND Academic Catalog](#)

V. Examinations

1. Special Examinations for Credit

A regularly enrolled student may apply to take "special" (challenge or validating) examinations to establish credit for approved University courses. Requests to take an examination must be made to the chair of the department offering the course. Approval of the department chair, the instructor of the course and the dean of the college offering the course(s) are required. A petition with the appropriate signatures must be submitted to the Registrar's Office prior to examinations. A committee of three appointed by the chair of the department offering the course will administer and evaluate the examinations, a majority being necessary to award a grade. Special examinations must be searching and comprehensive. Grades of "Satisfactory" or "Unsatisfactory" will be recorded on the student's permanent record upon recommendation of the committee, but will not be used to compute scholastic average.

The fee per credit hour for a validating or challenge examination is one-half the regular credit hour fee for the course to be challenged. Receipt of payment must be presented to the instructor prior to examination.

Students may apply to take challenge or validating examinations to establish credit in University of North Dakota courses which correspond to work taken at unaccredited and non-degree granting institutions, or for courses in which they have superior preparation or knowledge gained through independent study. These exams are offered for courses, which have no equivalent CLEP subject exams. Students who have audited a course, or who have previously enrolled in a course and then dropped it, will not ordinarily be permitted to take a special examination in that course.

College-Level Examination Program: The University of North Dakota offers the opportunity to submit the results of CLEP for credit in most of the Subject Examinations.

CLEP Subject Examinations currently accepted by UND for transfer credits are listed below with minimum acceptable standard score. Minimum CLEP scores are under review by the North Dakota

University System. Credit earned through CLEP Subject Exams may be used to fulfill University General Education requirements, to fulfill specific course requirements, or to be used as elective credits. As soon as they become available, new examinations will be reviewed by University departments to determine their suitability for credit at UND.

The following guidelines have been established for utilization of the Subject Examinations:

1. A CLEP Subject Examination may not be taken to establish credit for a course in which a student has earned credit in a higher-level sequential course.
2. Regarding CLEP Subject Examinations which offer a maximum of six to eight credits, a student with previously earned credit in one semester of a two-semester sequence must petition the CLEP Advanced Placement Committee for exception to this policy prior to taking the CLEP Subject Examination for the balance of the credit.
3. A Subject Examination may be repeated no sooner than six months after date of the last testing. Students should submit a petition to the UND CLEP Committee for permission to repeat an examination.
4. A Subject Examination may not be taken to establish credit in a subject in which the student has been enrolled, but from which he or she has withdrawn after the last day to add a course, until six months from the last class day of the term in which he/she was enrolled for the course.
5. A Subject Examination may not be used to establish credit in a subject, which the student has previously failed.
6. A student wishing to have CLEP credit included within the last 30 hours toward a bachelor's degree must have appropriate petitions approved by the CLEP Committee and the Administration Procedures Committee, since the last 30 credits must be earned in residence at the University, and CLEP credit is considered as equivalent to credit earned at another institution. All CLEP testing is now computer-based. UND uses the ACE Recommended Credit-Granting Score as a guide to determine whether credit is granted.

SUBJECT EXAMINATION	MINIMUM STANDARD SCORE	EQUIVALENT UND COURSE	
Algebra-Trigonometry	50	Math 107	(5 cr.)
American Government	50	Pols 115	(3 cr.)
Analyzing & Interpreting Literature	50	English 271 & 272	(6 cr.)
Biology (General)	50	Biol 150, 150L	(4 cr.)
Business Law (Introductory)	50	Acct 315	(3 cr.)
Calculus with Elementary Functions	50	Math 146	(3 cr.)
Chemistry (General)	50	Chem 121, 121L	(4 cr.)

College Algebra	50	Math 103	(3 cr.)
Composition, Freshman	50	English 110	(3 cr.)
Educational Psychology (Intro. to)	50	Psyc 213	(3 cr.)
History of U.S. I	50	Hist 103	(3 cr.)
History of U.S. II	50	Hist 104	(3 cr.)
Human Growth and Development	50	Psyc 250	(4 cr.)
Psychology (Introduction)	50	Psyc 111	(3 cr.)
Languages (French, German, Spanish)	50	Fren, Germ, Span 101	(4 cr.)
Macroeconomics (Principles of)	50	Econ 202	(3 cr.)
Microeconomics (Principles of)	50	Econ 201	(3 cr.)
Sociology (Introductory)	50	Soc 110	(3 cr.)
Trigonometry	50	Math 105	(2 cr.)
Western Civilization I	50	Hist 101	(3 cr.)
Western Civilization II	50	Hist 102	(3 cr.)

*State Board of Higher Education Policy Manual, 6-20-02, Section [805.3](#)
SEE ALSO: UND Undergraduate Catalog; [UND Faculty Handbook III-7.1](#) (College Jurisdiction C)*

2. Final Examination Policy

An examination from which no student is exempt is held at the end of most courses according to the published examination schedule. In all other courses in which alternate evaluation methods and schedules are appropriate, the use of such methods is subject to the recommendation of the departmental faculty and the approval of the dean of the college in which the course is offered. Any change in time from the published schedule requires the recommendation of the chairperson of the department and approval of the dean of the college; any student who would be disadvantaged by such a change should report this in advance to his or her academic dean, who will ensure that satisfactory alternate arrangements will be

made by the instructor.

A student who is absent from such a regularly scheduled examination without an excuse considered valid by the instructor is normally given an F for the course. If the excuse is valid, the policy on Incompletes will apply.

However, no undergraduate student should be obliged to write three or more finals on the same day. If the student has three or more finals scheduled the same day, the student wishing an accommodation regarding final exams should contact her or his instructors to establish a mutually acceptable time to reschedule one or more of the exams. Any student request for the rescheduled final exam must be presented to the instructor before the end of the tenth week of the semester; otherwise, the student's rescheduling right is forfeited. If an accommodation cannot be reached, he or she should contact the department chair(s) to find a mutually agreeable time. If no agreement is reached, the appropriate dean(s) should be contacted. The final appeal, if no mutually convenient time has been found, will be to the Vice President of Academic Affairs.

Approved: UND Senate, 12-10-87
SEE ALSO: [UND Academic Catalog](#)

3. Examination to Raise a Grade

To raise a D grade, a student may have the alternative of retaking a final examination at the time of the first regularly scheduled final examination in the subject if it meets with the approval of the department and dean of the course and the student's adviser, except in the School of Law, the School of Medicine and Health Sciences, and the College of Nursing. If a student decides to retake the final examination, approval must be obtained from the instructor and department chair of the course and the dean of the college offering the course. No re-examination will be given except at the time of the regularly scheduled examinations at the end of each semester.

Approved: UND Council, 03-19-53; UND Senate, 05-04-67; revised 02-03-72

SEE ALSO: [UND Academic Catalog](#)

VI. Reporting Grades

At the end of the eighth week of each semester, faculty members should identify students who are deficient in their work (those who received grades of D, F, or U) on "Unsatisfactory Grade Report" forms, which are returned to the Office of the Registrar. Shortly before this date, each instructor receives a class list on the "Unsatisfactory Grade Report" form.

All final grades must be submitted within 48 hours after the last examination of final examination week. If an instructor has assigned a final grade to a student and has reported the grade to the Office of the Registrar, then the grade may be changed only with the approval of the Administrative Procedures Committee. Students' specific grades may not be given by instructors to third parties. Grades also are not to be posted in any manner in which students may be identified by other parties.

A complete explanation of the University's grading system appears in the [UND Academic Catalog](#).

University Registrar, 9-11-03
SEE ALSO: [UND Academic Catalog](#); [UND Faculty Handbook III-7.1 \(College Jurisdiction P\)](#)

VII. Program Modifications

1. College Jurisdiction

Colleges have jurisdiction over undergraduate academic requirements as follows:

- A. Graduate without being enrolled (dean of student's college).

- B. Extension of time to remove an incomplete (instructor, department chair, and dean of college in which course is offered).
- C. Special and validating examinations and re-examinations (instructor, department chair, and dean of college in which course is offered).
- D. Graduate from one college while enrolled in another (both deans of student's colleges).
- E. Add a course late during a term (instructor, advisor, dean of college in which course is offered).
- F. take or give examinations at times other than those specified (department chair and dean of college in which course is offered).
- G. Repeat a course with a grade of C or better and have the last grade only counted in averages (adviser, department chair, and dean of college in which course is offered).
- H. Take correspondence course in major while enrolled (advisor, department chair, and dean of student's college).
- I. Take non-major correspondence course while enrolled (dean of student's college).
- J. Complete a major with fewer than 15 hours in the major done in residency (chair of major department and dean of student's college).
- K. Complete a minor with fewer than 4 hours in the minor done in residence (chair of minor department and dean of college in which course is offered).
- L. Graduate with fewer than 30 of the last credits for a first baccalaureate degree done in residence, or fewer than the last 15 for a second or subsequent degree (dean of student's college).
- M. Be enrolled for more than 21 credit hours in a regular semester, or for more than 10 in a summer session (adviser and dean of student's college).
- N. Graduate with fewer than 36 upper level credit hours (adviser and dean of student's college).
- O. Have a similar, but differently named, course constitute a repeat of a previous course (chair of department offering course and dean of college in which course is offered).
- P. Change a grade misrecorded in a course (instructor and dean of college in which course is offered).

Appeals of decisions shall be determined by the appropriately established review and appeal committee in the respective colleges. The same committee shall resolve cases of divided decisions.

Approved: Council of Deans, 10-16-91; UND Senate, 02-06-92

2. Senate Policy on Early Graduation

Students meeting all of the requirements for graduation except approval by the University Senate who 1) complete an internship or co-op which is required for the degree at a time inconsistent with the normal academic calendar and 2) need an official transcript certifying the awarding of a degree for official licensure or certification as a condition of employment, may appeal to the Senate Executive Committee to obtain a transcript reflecting graduation. If granted, the Registrar's Office posts both the degree and a graduation date different from the one graduation date established by the University as required by the State Board of Higher Education on the academic record.

Approved: UND Senate, 10-03-91

VIII. Academic Concerns of Students

1. Academic Advisement

Academic advisement is an integral part of the student's university experience. Faculty members are expected to provide accurate information to students regarding their chosen program of study, degree requirements, registration procedures and petitions, as well as to refer them to the appropriate student service office as necessary. Deans will assign students to advisors according to procedures established at each college or school.

Vice President for Academic Affairs and Provost, 11-14-02

A. Student Services

Extensive services are available on campus for a wide variety of student needs. For descriptions of each office, consult the UND Academic Catalog.

- Admissions
- Career Services
- Counseling Center
 - - individual counseling
 - - testing services
 - - career counseling
 - - substance abuse counseling and prevention
 - - group counseling
- Dean of Students
- Department of Wellness
- Disability Support Services
- Enrollment Management
- Enrollment Services
- Memorial Union
- Multicultural Student Services
- Native American Programs
- Outreach Programs
- Student Academic Services
- Student Affairs Office
- Student Financial Aid
- Student Health Services
- TRIO Programs
 - - Student Support Services
 - - Upward Bound
 - - Educational Talent Search
 - - Educational Opportunity Center
 - - Ronald E. McNair Program
- University Learning Center
- Veterans' Services
- Women's Center

Vice President for Student and Outreach Services, 7-31-02

2. Student Academic Grievances

The University's commitments to academic quality and integrity, as well as to academic freedom, rest upon honesty and fairness in all aspects of scholarly endeavor. Faculty must test, grade, and review student work in a manner that is fair and reasonable, and students must maintain scholastic honesty beyond reproach. Disputes that arise about fairness and honesty are best resolved through open and sincere communication among all parties – students, faculty, committees, and administrators.

A. Definition

The term "academic grievance" is defined as: A statement expressing a complaint, resentment, or accusation lodged by a student about an academic circumstance (such as grading, testing, quality of instruction) which is thought by the student to be unfair.

Academic issues subject to grievance procedures differ from those subject to the academic petition process. The petition process includes a request by the student to have a University, college, or program requirement waived or modified. It may include the right to appeal under circumstances outlined in the petition process. The substance of petitions and appeals is under the jurisdiction of

individual colleges, schools, programs, or designated University committees. If a student thinks that a petition has not been handled fairly, the student may initiate a grievance based upon unfair treatment, but not upon the substantive issue.

B. The Grievance Process

Each undergraduate, graduate, and professional school or college shall have written procedures for academic grievances. Unless a school or college has specified a shorter time, a student must initiate a grievance within 120 calendar days from the recording of the final grade (including an "Incomplete"). These procedures are to begin with discussion between the grieving student and the faculty member, committee, or administrator with whom the student has a grievance. If the grievance is not resolved at this stage, then the student may advance the grievance through the procedures of the college or school in which the grievance originated. (In grievances brought by graduate school students that involve graduate school policies, the relevant school is the Graduate School.)

Grievances not resolved at the level of the academic unit may be brought by any of the parties to the Student Academic Standards Committee. If the grievance results because of action of a committee not associated with a specific college, it may be taken directly to the Student Academic Standards Committee. Grievances must be presented in writing to the chair of the committee. This written statement should describe the grievance, indicate how it affects the individual or unit, and include the remedy sought from the committee. It will be the committee's charge to review the academic grievance, consult with all parties significantly involved in the grievance, tape-record its proceedings, and make a final decision within a reasonable length of time (not to exceed 20 school days, except upon agreement of the parties or the inability of the committee to make a quorum) after the grievance has been filed. All submitted documents will be made a permanent part of the student's educational record. A copy of the decision will be sent to the originator of the grievance, the dean of the unit involved, and those against whom the grievance originated. This committee has the authority to resolve the grievance by such actions as upholding an earlier decision, requiring a re-examination or re-review, and in extreme cases, changing a grade. The committee, however, has no authority to take or recommend disciplinary action in these cases either with faculty, administrators, or students or to require permanent changes in classroom, administrative, or committee procedures. The decision of this committee is the final step in the University academic grievance process.

Code of Student Life, 2018-2019, Appendix B(1)

3. Scholastic Dishonesty

Scholastic dishonesty includes, but is not limited to, cheating on a test, plagiarism, and collusion. Cases of dishonesty may be handled as a scholastic matter or as a disciplinary matter at the discretion of the instructor. Instructors choosing to treat the case as a scholastic matter have the authority to decide how the incident of dishonesty will affect the student's grade in the course. If the instructor has treated the case as a scholastic matter involving the grade in a course and the student has a grievance related to this action, that grievance would be processed as an academic grievance. Instructors choosing to treat the case as a disciplinary matter will refer the case to the Assistant Dean of Students for possible resolution; if final resolution does not occur, the Assistant Dean of Students may refer the case to the Student Relations Committee which will handle the matter under Section 2 (Conduct Regulations and Procedures) of the Code of Student Life.

A. Cheating on a test includes, but is not restricted to

1. copying from another student's test;
2. possessing or using material during a test not authorized by the person giving the test;
3. collaborating with or seeking aid from another student during a test without permission from the instructor;
4. knowingly using, buying, selling, stealing, transporting, or soliciting in whole or in part the contents of an unadministered test;
5. substituting for another student or permitting another student to substitute for oneself to take a test;

6. bribing another person to obtain an unadministered test or information about an unadministered test.
- B. Plagiarism means the appropriation, buying, receiving as a gift, or obtaining by any means another person's work and unacknowledged submission or incorporation of it in one's own work.
- C. Collusion means the unauthorized collaboration with another person in preparing any academic work offered for credit.

Code of Student Life, 2018-2019, Appendix B(2)

4. Family Educational Rights and Privacy Act of 1974, As Amended

Educational records and materials which contain information directly related to students are governed by the Family Educational Rights and Privacy Act of 1974, as amended, which requires the confidentiality of student records, provides the procedure for proper access to these records by students and University personnel, and controls the authorized release of these records. UND's policy and administrative procedures concerning student records are available in the University Academic Catalog and the Code of Student Life.

Vice President for Academic Affairs and Provost, 11-14-02

SEE ALSO: [UND Academic Catalog](#); [UND Faculty Handbook III-6 \(Student Records\)](#); [Family Educational Rights and Privacy Act of 1974 \(Public Law 93-380\)](#)

A. Student Right-to-Know

Institutions receiving federal financial aid are required to produce and make readily available the completion or graduation rates and the transfer-out rate of certificate or degree-seeking, full-time students entering that institution to current students and, to each prospective student upon request prior to that prospective student's enrolling or entering into any financial obligation.

Section 104 of the Student Right-to-Know Act contains additional requirements for institutions that award athletically-related student aid. The term "athletically-related student aid" means any scholarship, grant, or other form of financial assistance, the terms of which require the recipient to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive such assistance. These requirements include the number of students who received athletically-related student aid; the number of students at the institution of higher education, broken down by race and sex; and the completion or graduation rate and transfer-out rates for these students.

Vice President for Student and Outreach Services, 7-31-02

SEE ALSO: [Student Right-to-Know and Campus Security Act of 1990 \(Public Law 101-542\)](#)

IX. Curriculum

1. Program Approval

The Board shall approve all new programs of study that designate a focused collection of instructional/learning activities the completion of which signifies a level of competence which the awarding institution so designates by a notation on the student transcript.

- A. New programs may be submitted to the Board office as an "A" agenda (requires approval of the Board) item at any time and will be considered by the Board within ninety days after being received. Programs must be submitted in the approved format.
- B. New program proposals will be distributed by the proposing institution simultaneously to each institutional president and executive dean, and Board members at least six weeks before Board consideration.
- C. Board office review of a proposed program can include external consultation. Such consultation will normally be included in the review of graduate programs. Institutions using external consultation for program development might, by early contact with the Board office, be able to use the same consultant for Board office requirements.
- D. The Board office will provide the Board and the institutions with an analysis and recommendation

regarding the program at least one week prior to the Board meeting at which time the Board action will be taken.

- E. Changes to the existing programs that would result in new transcript entries shall be submitted to the Board office as a "B" agenda item (requires approval of the Chancellor's Cabinet). The Chancellor may request the institution to submit the proposed change as a new program on an "A" agenda if a review determines that the change substantially modifies the existing program objectives.

State Board of Higher Education Policy Manual, 11-09-90, Section [403.1](#)

2. New Course Requests

Each campus is encouraged to modify its course offerings as necessary to provide up-to-date, high quality courses and programs for its students. Under normal circumstances, this process is expected to involve both deletions and additions, with the net change in total number of courses and credits estimated at plus or minus five percent per year and fifteen percent per five-year period.

The objective for each campus is to maintain an inventory of active courses that falls within these annual and five-year parameters. The campus is to delete all inactive courses that are not taught at least once per three years (undergraduate) or once per five years (graduate).

Any campus wishing to establish a new course-identification prefix that does not represent a Board-approved department or program, or to extend an existing prefix to a higher course number (lower-division to upper-division, undergraduate to graduate, master's to doctoral) must obtain prior Board approval.

- A. Each campus will monitor its own active and inactive course offerings every year.
- B. When the variance in the total number of active course offerings is greater than five percent from one year to the next, or greater than fifteen percent in a five-year period, the campus will send the Commissioner a brief description of the variance and the major reasons for it. As appropriate, the campus will also submit a statement describing institutional actions to remedy the situation.
- C. When the number of inactive courses is greater than five percent of the number of active courses, the campus will send the Commissioner a brief statement of the number of inactive and active courses and the reasons for the number of inactive courses remaining in the inventory. As appropriate, the campus will also submit a statement describing institutional actions to remedy the situation.
- D. Board staff will audit the course inventory of each campus and report the results to the Board at least once per biennium.

State Board of Higher Education Policy Manual, 03-07-91, Section [403.2](#)

3. UND Course and Program Modifications

Requests for approval of new courses, new programs, course deletions, number changes, and other course and program modifications that have been channeled through appropriate department and college approval procedures must be submitted to the University Curriculum Committee. Forms for these requests are available at the Registrar's Office and available on the [University Senate website](#). Since the time required for approval by the University Curriculum Committee, University Senate, and the State Board of Higher Education may vary, requests should be submitted as far in advance of the desired implementation date as possible. Questions related to the approval procedures may be directed to the Registrar or the chairperson of the University Curriculum Committee.

University Registrar, 9-15-02

4. Criteria for General Education Courses

The following criteria for general education courses is endorsed:

- A. General education courses should be designed to focus on thinking, reading, and communication skills.
- B. They should normally have a substantial writing component.
- C. They should put students in an active posture in creating their own learning.
- D. They should emphasize independent learning.
- E. They should not be highly specialized -- i.e., they would either be specifically interdisciplinary in nature or approach a given discipline in a reasonably broad manner.
- F. They should be so designed that students will have individual attention.

Approved: UND Senate, 12-06-90

5. The Honors Program

The Honors Program brings together highly capable students and dedicated faculty members in an atmosphere conducive to creative learning and intellectual exploration. The Honors Program encourages its students to assume personal responsibility for learning, to broaden their scope of study, and to use opportunities for independent work. Believing that superior students often need greater flexibility and recognition of individual interests in their program of study, it replaces the usual University requirements with its own: introductory inquiries into the humanities, social sciences, and sciences; a writing course; exploratory work in three years of learning through an Honors section or added work in the Honors Mode; an essay and program review in the second year; at least eight credits of colloquia; and a senior thesis.

The colloquium, the central teaching device of the Honors Program, is intended to engage learners, both faculty and student, in exploring diverse and divergent ideas about an interdisciplinary topic. To promote individual research and group discussion, enrollment is limited and instructors from different departments are brought together. A subcommittee gathers suggestions, assesses students interests, and selects faculty members for the colloquia.

Coordinator, Honors Program, 02-01-99
SEE ALSO: [UND Academic Catalog](#)

A. Senior Honors System

In the Senior Honors System (formerly known as Departmental Honors), students of marked ability may pursue in their senior year, a voluntary program of supervised independent study leading to the bachelor's degree with honors in the major field of study. Early in the second semester of the junior year, the student must apply to the Honors Coordinator for admission to honors work. Certification by the department, the relevant academic dean, and the coordinator follows. A range of total credits in senior independent study, which may include work in tutorials or seminars demonstrably related to the thesis is prescribed. The thesis proper is recorded with the number 499 under the appropriate department or interdepartmental concentration, bound, and deposited in the University Library. The Senior Honors System is distinct from the Honors Program, but is administered by it.

Coordinator, Honors Program, 02-01-99
SEE ALSO: [UND Academic Catalog](#)

X. Attendance at Academic Functions

Attendance at academic functions is considered a part of faculty members' academic responsibilities. Deans will ensure that their colleges/schools are adequately represented at commencement exercises.

Vice President for Academic Affairs and Provost, 11-14-02

XI. Classroom and Laboratory Materials

1. Sale of Books Policy Statement

Required classroom/laboratory materials which are written or otherwise prepared by UND personnel for sale to students must be sold through the UND Bookstore and will be governed by the following policy:

- A. Materials printed on campus must be sold at a price which includes only production and distribution costs. Exceptions to this policy will be approved by the chair, the dean, and the Vice President for Academic Affairs.
- B. Materials produced off-campus for distribution through the UND Bookstore must first receive the approval of the department chair and the college dean.
 1. Price to the Bookstore of materials published by commercial printing houses for national distribution will be set by the publisher.
 2. Price to the Bookstore of materials otherwise published will be approved by the chair and the dean, allowing all costs of production to be recovered plus a reasonable royalty.

Approved: Council of Deans, 08-16-89 ; President, 08-23-89

2. Complimentary Textbooks

The University Senate strongly recommends that complimentary textbooks which are not being retained not be resold. These books should be donated to the appropriate UND library, a colleague, or another nonprofit institution or otherwise appropriately disposed of without infringing on the right of the publisher and/or author. The University Bookstore is requested to refrain from selling complimentary copies of textbooks.

Approved: UND Senate, 02-01-90

XII. Reproduction of Copyrighted Materials

1. Use of Copyrighted Materials; Fair Use Policy

Copyright compliance is a matter taken seriously at UND. Original works are copyright-protected under Title 17 of the U.S. Code. The consequences of not complying with the copyright law can lead to significant legal penalties.

The UND community recognizes and respects intellectual property rights. As part of our mission to maintain the highest ethical conduct, UND is committed to fulfilling its legal obligations governing use of copyright-protected works.

No UND faculty may reproduce any copyrighted work in violation of the law. The easiest way to insure compliance with copyright regulations is to obtain written permission from the copyright holder to reproduce the work.

According to copyright law, works are protected even if they are not registered with the U.S. Copyright Office and do not carry the copyright symbol. Copyright protection covers works in different formats and mediums. In general, the laws that apply to printed materials also apply to audio, video and other electronic media including the Internet. Works of authorship include the following categories: literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; sound recordings; and architectural works.

There are some exceptions to copyright. The fair use doctrine allows for reproduction for the purposes of criticism, comment, news reporting, teaching, scholarship and research. However, the doctrine does not have clear guidelines and definitions. It is open to legal tests and rulings of the courts. Four factors considered in determining fair use are:

1. The purpose and character of the use including whether such use is of commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

For all copyright works, UND encourages faculty to obtain permission from the copyright holders or their licensing representatives unless the doctrine of fair use clearly applies to the activity.

Information about copyright and fair use may be found at the campus libraries.

Director, Libraries, 8-02-02

2. Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes

(Congressional Record Oct. 14, 1981 Vol.127 No.145)

In March of 1979, Congressman Robert Kastenmeier, Chairman of the House Subcommittee on Courts, Civil Liberties and the Administration of Justice, appointed a Negotiating Committee consisting of representatives of education organizations, copyright proprietors, or creative guilds and unions.

The following guidelines reflect the Negotiating Committee's consensus as to the application of "fair-use" to the recording, retention and use of television broadcast programs for educational purposes. They specify periods of retention and use of such off-air recording in classrooms and similar places devoted to instruction and for homebound instruction. The purpose of establishing these guidelines is to provide standards for both owners and users of copyrighted television programs.

1. The guidelines were developed to apply only to off-air recording by non-profit institutions.
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable transmission) and retained by a nonprofit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
3. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) calendar day retention period. "School days" are school session days -- not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions -- within the forty-five (45) calendar day retention period.
4. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
6. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered physically or electronically combined or merged to constitute teaching anthologies or

compilations.

8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
9. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

Although the Kastenmeier guidelines specifically refer to "off-air broadcast transmissions," for our purposes we will use the guidelines to qualify our recordings of cable programs, satellite transmissions, and the like.

These rules are merely "guidelines." That is, they are not actual law, but they have universal acceptance as correct modes of behavior--including in the courts--and following them is considered to be in the spirit of the law.

A. Rights and Copyrights

EDUCATIONAL FAIR USE

One of the purposes of copyright law as described by Congress is to "promote the progress of science and the useful arts." The fair use guidelines pertain only to how copyrighted materials are used in an educational setting. They do not pertain to duplication of materials. There are certain public and private uses of copyrighted works that are permitted under the law without first obtaining the copyright holder's permission. There are four criteria that are taken into consideration when determining if a use is deemed "fair." All of the points must be satisfied for there to be a successful application of Fair Use. The four factors are:

1. The purpose and character of the use, including whether such a use is of a commercial nature or is for nonprofit educational purposes; the purpose of the copying must fall into the following categories to be deemed fair use: criticism, comment, news reporting, teaching, scholarship or research.
2. The nature of the copyrighted work; copying a news magazine article (factual work) as opposed to a short story (creative work) is more likely to be considered an application of fair use.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; the use of an entire work (that is, wholesale copying) can never be considered fair use. Copying large portions or the "essence" of a work would be considered infringement.
4. The effect of the use upon the potential market for or the value of, the copyrighted work; Congress has said that if a use supplants what would otherwise have been a sale, there cannot be fair use. However, a person cannot claim fair use stating that s/he would not have purchased the work in any event in order to circumvent this requirement.

Fair use does NOT mean educational use. Teaching does NOT automatically qualify as a justification for the unauthorized use of copyrighted materials. Permission should always be sought from the owner prior to using materials. Spontaneous use of copyrighted materials in an educational situation can be considered fair use if all of the four criteria are met and there is not time to obtain permission.

Recording broadcast video programming for educational use is covered in the Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes above.

The easiest way to ensure correct and legal use or duplication of any copyrighted material is to obtain permission, in writing, from the owner of the material. In any use or duplication instance, it is assumed that permission has been acquired via correspondence with the owner, purchasing performance licenses, etc. The fair use and off-air recording guidelines were developed as guides in the event that we have not secured the proper permissions.

Director, Center for Instructional and Learning Technologies; Legal Counsel, 12-30-98

Section IV: Appendix

I. The University of North Dakota Constitution

I. The Governing Board

The government of the University of North Dakota and the laboratories and stations associated with it by legislative act is vested by law in the State Board of Higher Education, hereinafter referred to as the Board. The Board has final authority in all matters affecting the institution and exercises jurisdiction over its financial, educational, and other policies, and its relation with the state and federal governments. In accordance with the experience and practice of this and other institutions of similar character, the Board entrusts the execution of all its plans and policies, together with the internal government and administration of the institution, to the President in consultation with the faculty and such other officers as the President may select.

II. The University Legislature

1. Legislative Bodies

- a. The University Legislature shall consist of the Council and its Senate. The faculty's legislative powers shall reside in the Council and its University Senate.
- b. The Council consists of the following: The President; the Vice Presidents; Associate Vice Presidents who concurrently hold faculty rank; the Registrar; the Director of Libraries; all deans; all department chairpersons; all of the full-time faculty of the rank of instructor, assistant professor, associate professor, and professor; program directors, coordinators, assistant and associate deans who concurrently hold faculty rank; professional librarians; and such other academic personnel and administrative officers as the Council may designate.
- c. The University Senate shall consist of the following members:
 - i. Ex officio Members: The President, the Vice Presidents, the Provost, the Registrar, the Director of Libraries, and deans.
 - ii. Council Members: The Council shall provide by legislation for the election of Council members to the Senate, for such terms and in such manner as the Council shall determine, but subject to these limitations: (1) no one may be eligible for election to the Senate who shall not have been a member of the Council for one full academic year by August 16 of the next academic year; (2) the total number of elected Council members on the Senate shall be three times the number of ex officio members; (3) the Council members of each professional school or college and the libraries shall have the right to elect to the Senate two of its members who are eligible for election to the Senate, with the exception of the College of Arts and Sciences, which shall have the right to elect eight senators, two each from the areas of Natural and Physical Sciences, Humanities, Social Sciences, and Fine Arts.
 - iii. Student Members: The number of student members shall be 14 voting members of the University Senate. The selection, length and beginning of the term for student members will be determined by the Student Senate.
 - iv. Staff Members: The number of staff members shall be set at three voting members whose selection, length, and term shall be set by the Staff Senate.

2. Meetings

- a. The Council meets at least once a semester. Meetings of the Council shall be called by the chairperson of the Senate and/or the President of the University, or as a result of a written petition presented to the Registrar and signed by thirty Council members. The chairperson of the Senate, in collaboration with the President of the University, shall determine and publish the agenda of Council meetings. Council meetings will normally be co-chaired by the chairperson of the Senate and the President of the University. A meeting called by written petition will be chaired by the chairperson of the Senate. The Registrar is the ex officio secretary for all meetings of the Council. The fall meeting shall include the

opportunity for the President to present the annual state of the University address.

- b. The quorum of the Council necessary for the transaction of business at any meeting is twenty-five percent of the Council membership, unless otherwise provided by Council legislation.
- c. The Senate meets regularly once a month during fall and spring semesters. Additional meetings may be called by the chairperson of the Senate or on written petition signed by ten percent of the members of the Senate. The Registrar shall call the first meeting of each academic year; subsequent regular meetings shall be as scheduled by the Senate. The Senate elects a chairperson from among its elected members; the Registrar is ex officio secretary.
- d. The quorum of the Senate necessary for the transaction of business at any meeting is fifty percent of the Senate membership, unless otherwise provided by the Council or Senate legislation.
- e. Each Council member and Senate member is entitled to one vote at meetings of their respective bodies. No vote may be cast by proxy at any meeting of either the Council or the Senate.

3. Powers and Functions

- a. All legislative powers of the University government are vested in the Council. The powers of the Council shall include, but not be limited to:
 - i. Requirements and methods for admission to the institution and questions related to advanced standing.
 - ii. Requirements for degrees and certificates.
 - iii. Determination of curricula, authorization of new courses of study, and changes in courses of study.
 - iv. Questions of scholarship and attendance, coordination of outside activities, class standing and credits, examination schedules, and the institution's catalog and calendar.
 - v. Institutional prizes, honors, and honorary degrees.
 - vi. General relations and interests of students, including health, conditions of living, regulations of social life, intramural and intercollegiate athletics, student organizations and publications.
 - vii. The general policies of the Library and the Division of Continuing Education.
 - viii. Acting as a consultant to the President in matters pertaining to: planning; organization or reorganization of the schools, colleges, and departments; disputes arising between or among schools and/or colleges; matters of budget apportionment; and decisions regarding physical resources.
- b. The Senate may exercise all of the powers of the Council, but subject to whatever limitations or instructions the Council may from time to time impose on the Senate in this regard. Any action of the Senate taken in the exercise of the Council's powers may be revoked and declared to be of no force and effect at any meeting of the Council. In the event of conflict between legislation of the Council and of the Senate, the legislation of the Council shall prevail.
- c. The Council and the Senate shall make available to each Council member reports of all action taken at all meetings of the two bodies.
- d. The Council and the Senate may form from the respective memberships permanent and ad hoc committees and delegate to such committees any powers or functions that are vested within the respective parent body. The Council and the Senate may also form or participate in, through designated members as representatives, committees composed partly of non-members of the Council.
- e. All legislative actions regarding university policy undertaken by the Council, the Senate or its committees shall be submitted to the President for approval (SBHE [305.1](#) Presidents Authority and Responsibilities).
- f. At each Senate meeting, the President or designee, shall report the President's position as related to legislative actions taken at the previous Council or Senate meeting. Should any legislative action regarding university policy be vetoed by the President, the President shall provide a rationale for the decision. For legislative actions passed at the May meeting of

the Senate, the President shall report via the Senate listserv within 30 days as to his position taken on these legislative actions using established channels.

III. The President

1. The President is the executive head of the University and the laboratories and stations associated with it. The President is the official medium of communication between the Chancellor and, through the Chancellor, the Board, on the one hand, and the University legislature, faculties, administrative officers, student organizations, and students on the other. The President is responsible to the Chancellor for institutional policy and administration and accordingly has supervision over all of the institution's officers and all of the institution's interests, subject to the state laws and the rules and regulations of the Board. (SBHE policy [305.1](#) Presidents Authority and Responsibilities).
2. It is the duty of the President, in consultation with the University legislature, to make recommendations covering the general policy of the institution and for securing and coordinating its parts. Although it is the duty of the President to make such recommendations covering general policy of the institution, whenever possible, recommendations should only be made to the Chancellor after first consulting the University legislature. However, prior to presenting any recommendations affecting the policy, status or mission of any school, college or department, in the absence of emergency conditions, the President shall consult with the faculty of that school, college or department using established channels.
3. It is the duty of the President to see that the rules and regulations of the Board and of the University legislature are enforced. It is, moreover, the duty of the President to consult through established academic organizational channels the faculties concerned on the appointment, promotion or dismissal of any member of the faculty. It is also the duty of the President to consult with the University Senate on matters having to do with planning, organization, budgeting and the use of physical resources. The right of the final decision in these matters, as well as all other University business, is reserved to the President. The President shall present in writing to the Chancellor the President's position in the matter in question if Board approval is required or to the secretary of University Senate if Board approval is not required. In cases of differences between the President and campus units, University Senate or the Council, an alternative position must be presented to the University Senate for consideration. If the alternative position is adopted by the Senate, the Chair of the University Senate shall present the alternative position in the matter in question, in writing, to the President for presentation to the Chancellor if Board approval is required.
4. Among the duties of the President, in cooperation with the faculty and responsible administrators, are the preparation of the budgets and reports to the Board; formulation of personnel recommendations to the Board pursuant to Board policy; the conduct of Commencement and other public exercises; and the calling of special meetings, except as provided for otherwise. Before submitting the biennial budget to the state legislature, through the Board, the President shall submit it to the University legislature for its information.

IV. Administrative Officers

1. The vice presidents, deans and chairpersons of the various schools, colleges, and divisions, and all executive officers of the University are appointed by the President. Before making such appointments, however, the President shall confer through established channels with the faculty and other appropriate University groups. All appointments shall be made solely with respect to the special fitness of the individual for the work demanded in the position. All University policies of affirmative action and equal opportunity employment shall be adhered to. The University shall, through its faculty and administration, develop procedures by which faculty members are evaluated and are recommended for tenure.
2. The area of administrative responsibility of each of the vice presidents is delineated and delegated by the President.
3. Chairpersons, and the departmental faculties involved, will make recommendations to the dean of each school or college regarding all appointments, promotions, or removals of professors or of

other teaching staff. Deans will make recommendations regarding those appointments, promotions, or removals to the Vice President for Academic Affairs and Provost. If the recommendation is different from that made by the chairperson, the dean must provide a written explanation to the chairperson and that explanation should accompany the recommendation made to the Vice President for Academic Affairs and Provost. The Vice President for Academic Affairs and Provost will make recommendations to the President regarding those appointments, promotions, or removals. If the recommendation differs from that made by either the chairperson or the dean, the Vice President for Academic Affairs and Provost must provide a written explanation to both the chairperson and the dean, and that explanation must accompany the recommendation made by the Vice President to the President.

4. The deans have general oversight of the academic work in their divisions, and they make an annual report to the President on the condition of their units. They are charged together with the President and the vice presidents with responsibility for the well-being of the institution as a whole.
5. Before submitting their annual budget requests through established academic organizational channels, the deans shall first consult with their chairpersons concerning the needs of their departments and the college or school. The faculty should actively participate in the determination of policies and procedures governing salary increases.
6. Committees may be appointed at and by any level of University authority for the purpose of effectively carrying out the activities of the University.

V. The Faculties

1. The University Faculty

The make-up and definition of the University faculty and its titles and ranks shall be established by the action of the Senate within current Board guidelines. The University faculty may, through the University legislature, express its position on any matter affecting the institution and may make recommendations to the Board and/or the President.

2. The Faculties of Schools and Colleges

The faculties of schools and colleges consist of those University faculty members giving instruction and/or conducting research in any of the schools or colleges of the University. Only the deans, professors, associate professors, assistant professors, and such other academic personnel as may be designated by the school or college faculty with the approval through established academic organizational channels of the President shall have the right to vote in matters affecting the general policy of any school or college. Each dean may call a meeting of the faculty of the dean's school or college whenever the dean deems it advisable, and must call such a meeting when requested to do so by one-fourth of the dean's faculty. The President shall be informed of such meetings when matters of importance are under consideration. The faculty of each school or college shall consider the welfare of the group and may make recommendations to the President and University legislature consistent with University and Board policy.

3. Departmental Faculties

The departmental faculties consist of those University faculty members giving instruction and/or conducting research in the various departments or divisions of the schools or colleges. Each department or division chairperson may call a meeting of their departmental faculty whenever the chairperson deems it advisable, and must call such a meeting when requested to do so by one-fourth of their department's faculty. Each departmental faculty determines its own internal policies and organization of its own work, and makes recommendations regarding its curriculum and budgetary matters.

VI. The Service of Faculty and Administrative Officers

1. Appointments

All members of the faculty and all administrative officers are appointed by the President following consultation through established channels as described in sections IV.1 and IV.3. All other employees are appointed by the chairperson of the department or head of the office concerned with the approval through established channels. All appointments shall be made solely with

respect to the special fitness of the individual for the work demanded in the position. All University policies of affirmative action and equal opportunity employment shall be adhered to.

2. Promotions

The process for promotions shall be as described in section IV.3. Standards and procedures for promotions are designated by the University Senate consistent with current Board policy.

3. Terms of Employment

The terms of employment for faculty, staff, and other employees and current Board and University provisions and procedures relating to employment are to be published in the Faculty Handbook and/or other publications as appropriate. These are to be freely available to all faculty, staff, and other employees, and are to govern UND employment practices. The Faculty Handbook shall be edited, published and kept current and consistent with Board policy and this Constitution by the Executive Committee of the Senate.

4. Tenure, Dismissal, and Academic Freedom

- a. The University is a forum for ideas, and it cannot fulfill its purpose of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. Tenure, academic freedom, and faculty rights are the foundation of UND practice with respect to faculty retention and dismissal and are basic to the University's mission of teaching, research, and service.

Tenure for a faculty member is recognition of continuous appointment to the faculty at the rank of instructor, assistant professor, associate professor, or full professor. The President shall make recommendations to the Chancellor concerning all requests for tenure.

- b. The services of a person with tenure shall be terminated only for adequate cause. Guidelines and procedures of due process for termination or dismissal for cause are established by the University Senate consistent with Board policy and are published in the Faculty Handbook.

The procedure for the notice of termination of services of faculty members, including those holding probationary appointments, shall be established by the University Senate and published in the Faculty Handbook.

- c. A person with tenure who has been recommended for dismissal may appeal the recommendation according to Board policies and current UND guidelines for implementing the Board's policy. The statement and guidelines are established by Senate action and published in the Faculty Handbook.
- d. The President shall approve all personnel actions, except the award or change in tenure status, involving all faculty members and other institution employees and shall notify in writing all persons of their tenure status upon appointment or upon any change of status.

5. Leaves: Faculty and Administrator Development

Faculty members and administrative officers may, consistent with Board policy (SBHE Policy [701.2](#) Developmental Leave), be granted developmental leaves of absence normally not to exceed one academic year, with or without financial assistance from the University in accordance with regulations and policies formulated by the University. Leaves may also be granted by the President as appropriate to the interests of the University.

In addition to the above, members of the faculty and administrative officers are urged to become members of national, regional, and state professional associations and to attend their meetings. The University and its colleges, schools, and departments will develop policies appropriate to available resources to provide assistance to faculty and administrative officers for participation in professional meetings and travel for the benefit of the institution.

VII. Communication and Cooperation

1. Order of Communication and Reports

- a. Communication or reports from University Senate or University Council pertaining to matters of business to be presented to the Chancellor, and through the Chancellor to the Board, shall be first presented to the President for examination.

b. In the same way, communication and reports to administrative officers shall, in general, be transmitted through all intermediary officers, but the right of the President to call for immediate reports from any members of the institutional and administrative staff, or the right of any member of the faculty or of any employee of the University to address the President directly, shall not be denied.

2. Spirit of Cooperation

a. It shall be the duty of all persons connected with the institution to cooperate with the Board in carrying out the purposes and policies of the Board, and it shall also be the duty of all such persons to cooperate with the President, who is the representative of the Board. Vice presidents, deans, chairpersons of departments and divisions may reasonably expect the cooperation of faculty members and employees who work with them in carrying out the policies approved by the President and faculty.

b. At the same time, all administrative officers shall be open to criticisms or suggestions made to them by faculty members and other persons working under their direction. All persons connected with the University are expected to deal with each other openly and professionally for advancement of the institution. Under such conditions a spirit of cooperation may be created at the institution. Such spirit cannot be created by legislation or constitution, but can be aided by principles and procedures fairly and conscientiously applied.

VIII. Amendments

1. Power to Amend

Amendments to the Constitution may be recommended to the President by the University Senate or amendments may be proposed to the University Senate by the President. Proposed amendments to the Constitution must have been approved at two meetings of the University Senate by a majority of the members present at those meetings.

Following that approval, the President shall submit the proposed amended Constitution to the Chancellor, according to Board policy (SBHE [331](#)).

2. Notice Requirements

Prior to any meeting of the Board or of the University Senate or Council where an amendment to the Constitution is to be considered for adoption or recommendation, at least two weeks notice of such consideration of amendment at such meeting shall be sent to all members of the Board and the University Senate and Council respectively.

Approved: UND Senate, 04-05-79, revised 05-09-94, amended 02-05-98, amended 06-26-03

Approved: State Board of Higher Education, 09-19,20-79, revisions and amendments approved 09-17,18-98, revisions and amendments approved 06-26-03

II. Bylaws of the University Senate

Membership

1. The University Senate shall consist of the following: Ex-Officio members, Council members elected by the Council, student members elected by the students and staff members elected by Staff Senate.

The total number of elected Council members on the Senate shall be three times the number of ex-officio members. The Council members of each professional school or college and the libraries shall elect two Senate members with the exception of the College of Arts and Sciences, which shall have the right to elect eight senators, two each from the areas of Natural and Physical Sciences, Humanities, Social Sciences and Fine Arts; the balance of the faculty membership of the Senate shall be elected at large by the Council. One of the faculty-at-large positions will be held by the incoming Chair of the Senate to assure that the Chair is a voting member of the Senate.

2. The procedure for electing Senate members at large shall be as follows:

- a. During the first week of April each year, the Registrar shall distribute to members of the Council a nominating list of those eligible to serve on the Senate and shall state the number to be elected at large according to the provisions of the Constitution and this legislation.
 - b. Each member of the Council may indicate his/her choices for nomination by choosing from the list of nominees not to exceed in number the number of vacancies to be filled; any nomination list choosing more than the number to be elected at large shall be void.
 - c. Those equal in number to twice the number to be elected who shall have received the most nominating votes shall be declared nominees.
 - d. A list of these nominees shall be printed as the ballot and distributed to all members of the Council; each member shall vote for a number of nominees not to exceed the number to be elected; any ballot choosing more than the number to be elected at large shall be void.
 - e. The Registrar shall prescribe the time and method for returning marked ballots and nominating lists and shall count and tabulate the same, providing that all nominating and balloting shall be secret, and these election procedures shall be completed before the third week of April.
3. The procedure for electing faculty members by each school or college faculty and the term of office thereof shall be as follows:
- a. During the third week of April of each year each school or college and the libraries shall provide for the nomination and election by the Council members of his/her school, college, or the libraries to the Senate two Council members who shall have been listed by the Registrar as eligible to serve on the Senate in accordance with Section 2a, in such a manner as the dean/director shall prescribe, providing that the voting for the nominated candidates shall be by secret ballot, with the exception of the College of Arts and Sciences, which shall have the right to elect eight senators, two each from the areas of Natural and Physical Sciences, Humanities, Social Sciences, and Fine Arts.
 - b. Only those of the respective faculties who are qualified to be members of the Council shall be entitled to vote.
 - c. Such Senate members shall hold office for one year and shall not serve consecutively for more than three terms. In the event of a vacancy in such Senate seat, the faculty concerned may at any time hold a special election, in the same manner as provided in Section 3a, to fill the vacancy.
 - d. In the event the faculty of a school, college, or the libraries should desire to waive its right to elect members to the Senate, it shall so notify the Council prior to the regular April elections held by the Council, and the Council shall then nominate and elect one or more of its members to serve for the one year term of the seat involved along with the regular members at large elected by the Council.
4. Members at large shall hold office for two years, and shall not serve consecutively for more than two terms. Representatives of schools or colleges shall hold office for one year and shall not serve consecutively for more than three. No elected member, however, shall serve consecutively for more than four years.
5. September 1 of each year shall be the date upon which all terms due to expire in a particular year shall expire, and upon which new terms of those elected earlier in the calendar year at regular elections shall commence. In the event that a Senator, elected at-large, leaves the University prior to August 15, the person receiving the next highest number of votes shall serve. College representatives who leave the University prior to August 15 shall be replaced using procedures determined by the college. The pool of eligible candidates will be those individuals entering at least their second year on August 16 of the next academic year.
6. Procedure for electing student members of the University Senate:
- a. The Student Senate will provide for the election of fourteen student members to the University Senate and will also provide the duration of their terms of office. Starting dates will be the same as for other University Senate members.

Officers

At the first meeting of the seating of the new members of the Senate, the Chair Elect will assume the position of the Chair. A Vice Chair/Chair Elect shall be elected from the elected members. The Vice

Chair/Chair Elect shall serve a term of one year, and then automatically assume the role of Chair of University Senate the next year. Nominations shall be made by the Committee on Committees which must name at least two nominees for each position. The chair must always ask for nominations from the floor. In the event of any vacancy in the office of Chair, the Vice Chair/Chair Elect shall become the Chair. In the event of any vacancy in the office of Vice Chair/Chair Elect, the Committee on Committees shall at the next regular meeting of the Senate nominate at least two elected members, the Chair must ask for nominations from the floor, and the Senate shall elect a new Vice Chair/Chair Elect from all the nominees. In Fall 2004, there will be an election of a Chair for 2004-2005 and an election of a Vice Chair/Chair elect (as specified by the new policy).

Meetings

1. Items for the agenda shall be in the hands of the Secretary of the Senate not later than 14 days (exclusive of holidays) before a Senate Meeting. The agenda shall be distributed one full week before each Senate meeting to all faculty, student body and staff representatives. Items not included in the agenda may not be considered at a meeting except with the special consent of the Senate. Only members of the Senate may submit items for the agenda.
2. The Senate's official guide for parliamentary procedure shall be the "Standard Code of Parliamentary Procedure" by Alice F. Sturgis.
3. The minutes of all Senate meetings shall be distributed to the members of the Senate and shall be available to all members of the faculty.

Committees

1. Executive Committee

There shall be an Executive Committee of the University Senate. It shall consist of these members of the Senate: the Chairperson; the Vice Chairperson/Chair Elect, the immediate past Chairperson, whether or not still a member of the Senate (if this individual is unable to serve, then the available past Chairperson who most recently served as chairperson shall serve); three faculty representatives, one to be elected each year for a two-year term, and one, the member of the Council of College Faculties serving the third year of a three-year term (if this individual is unable to serve, then a substitute will be chosen from the remaining UND Council of College Faculties by the UND Council of College Faculties delegation); the Vice President for Academic Affairs; one student, elected annually; and the Registrar. The Registrar shall serve as Secretary of the Executive Committee. The functions of the Executive Committee are to: (1) call special meetings of the Senate; (2) change the time of the regular meeting in emergencies; (3) prepare the agenda; (4) approve the minutes of the Senate meetings; (5) act on behalf of the Senate when a meeting of the Senate does not seem justified or when such a meeting is prevented by lack of a quorum. Subsequent to the action taken by the Executive Committee, the Committee will report to the next meeting of the Senate to seek approval for the action that was taken by the Committee; (6) monitor the implementation of Senate legislation; (7) coordinate action between the Senate and its committees; (8) edit, publish, and keep current the Faculty Handbook; (9) care for the Senate bylaws by keeping them current, providing a codified copy to the chairperson at every meeting of the Senate and publishing codified copies to the Senate as often as it deems advisable; (10) care for the University Constitution, attending specifically to publication, distribution, amendment, and interpretation; (11) care for the Standing Rules, exercising the sort of supervision directed for the bylaws; (12) codify Council and Senate legislation, publishing the codified legislation at the direction of the Senate; (13) maintain the University Senate Committee Manual.

2. Permanent and ad hoc committees

The Executive Committee created by these bylaws is a permanent committee of the Senate. The Senate may create such other permanent and such ad hoc committees as it deems necessary and convenient to the conduct of its business. Other permanent committees may be created only by the Senate, after reasonable notice, at a regular or special meeting, and shall continue until dissolved by the Senate at a regular or special meeting following reasonable notice. Ad hoc committees may be created by the Senate at any meeting or by the Executive Committee, and shall continue until the delegated responsibility is accomplished or until dissolved by the creating authority.

Amendments

Amendments to the Senate bylaws may be submitted in the agenda at any regular meeting but shall not be acted upon until the next regular meeting.

(Senate Minutes pages 10, 11, 12, 14, 17, 56, 251, 254, 279, 596, 641, 773, 856, 935, 958, 961, 962, 1224, 1367, 1531, 1698, 1742, 2535, 2913, 3236, 3237, 4156, 5111, 5174)

Approved 05/09/94; Amended 02-05-98; 11-2-00; 01-11-01; 2-5-04

1. Standing Rules of the University of North Dakota Senate

1. The University of North Dakota Senate meets regularly on the first Thursday of each month from September to May. Meetings begin at 4:05 p.m. and adjourn not later than 5:30 p.m.
2. The meeting room is determined by the Executive Committee of the Senate (normally Gamble Hall, Room 7, where the first five rows are reserved for Senate members).
3. Visitors may occupy seats not reserved for Senate members; when all seats in the visitors' area are occupied, no other visitors will be admitted. Electronic recording of Senate meetings, either by audio or video means, is permitted; however, such recording and the positioning of equipment and personnel shall not interfere with the scheduled business of the Senate. The presiding officer of the Senate is empowered to relocate such recording equipment or personnel in order to facilitate the business of the Senate.
4. Visitors may speak with the consent of the Senate membership.
5. No member shall speak for more than two consecutive minutes, except by a majority vote of the Senate.
6. Minutes of Senate meetings shall be distributed to Senate members.
7. Notices and agendas of Senate meetings shall be included in the University Newsletter and on the University Senate web page. Minutes of each Senate meeting, including a list of those present and absent will be posted on the University Senate web page. The Senate will publish attendance records at the end of each semester, both a summary by categories (ex-officio, elected council members, student) and individual statistics.
8. Items on the agenda shall be identified with the name of the person who either reports it to the Registrar or who will present it to the Senate. Reports of university committees may be presented to the Senate by committee chairs who are not members of the Senate.
9. Agenda items brought for Senate actions shall be divided into three separate "calendars."
 - a. Senate calendar: items reported to the Senate by the Senate Executive Committee, including action taken by the Executive Committee that the Senate must ratify or reverse; announcements; review of minutes; and a question period. The question period shall not exceed 20 minutes.
 - b. Consent calendar: non-controversial items such as committee reports that are read by title and voted upon without debate or discussion. One objection from any member removes the items from the consent calendar.
 - c. Business calendar: normal action items requiring the attention of the Senate; debatable.
10. All votes of the Senate are open, public votes.
 - a. Procedural votes, including votes on motions to receive reports, may proceed without roll call, by voice or hand according to the direction of the chair; the chair shall announce the result of the vote, which result shall be recorded in the minutes and, unless challenged by a senator prior to the commencement of the next item of business. Upon a challenge, the chair may proceed to a re-vote, or may call a roll call vote.
 - b. All non-procedural votes shall be roll call votes, with the votes of each member present being made public at the meeting and recorded in the minutes. Voting may be by signed ballot. The secretary's announcement of the result shall be the official vote of the Senate on the matter unless challenged by the senator before the next item of business is begun. Roll call votes need not be used when the vote is unanimous or when an individual or a small number of individuals vote in the negative or abstain and are willing to identify themselves and have their votes recorded. If the number is such that the issue is in doubt, or the process becomes cumbersome, the chair may request a roll call vote. Any member may

- request a roll call vote on any vote taken in the Senate.
- c. At the September Senate meeting the Committee on Committees shall present a ballot for the offices Vice Chair/Chair Elect of the Senate and the Executive Committee member-at-large. Individual senators may submit nominations for these offices to the Committee on Committees prior to the Committee's preparation of the ballot. The Student Senator nominee to the Senate Executive Committee shall be included on the ballot. All nominations will be accepted up to one week prior to the September meeting of the Senate. Nominations will also be accepted from the floor. The Vice Chair will become the Chair of the Senate beginning with the September meeting. The other newly elected officers will assume their responsibilities immediately after the adjournment of the September University Senate meeting. In Fall 2004, there will be an election of a Chair for 2004-2005 and an election of a Vice Chair/Chair elect (as specified in the new Bylaws of the University Senate).

Approved: UND Senate, 02-05-98; Amended 02-05-04

III. Selections from the Constitution of North Dakota: Items Pertinent to the Governance of Higher Education and the Operation of the University of North Dakota

1. Article I Declaration of Rights

Section 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.

2. Article VII Education

Section 2. The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including schools of higher education, except that the legislative assembly may authorize tuition, fees and service charges to assist in the financing of public schools of higher education.

Section 5. All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state.***

Section 6(1). A board of higher education, to be officially known as the state board of higher education, is hereby created for the control and administration of the following state educational institutions, to-wit:

- a. The state university and school of mines, at Grand Forks, with their substations. ***

Section 6(6).

- a. ***
- b. The said state board of higher education shall have full authority over the institutions under its control with the right, among its other powers, to prescribe, limit, or modify the courses offered at the several institutions. In furtherance of its powers, the state board of higher education shall have the power to delegate to its employees details of the administration of the institutions under its control. The said state board of higher education shall have full authority to organize or re-organize within constitutional and statutory limitations, the work of each institution under its control, and do each and every thing necessary and proper for the efficient and economic administration of said State educational institutions.
- c. Said board shall prescribe for all of said institutions standard systems of accounts and records and shall biennially, and within six (6) months immediately preceding the regular session of the legislature, make a report to the Governor, covering in detail the operations of the educational

institutions under its control.

- d. It shall be the duty of the heads of the several state institutions hereinbefore mentioned, to submit the budget requests for the biennial appropriations for said institutions to said state board of higher education; and said state board of higher education shall consider said budgets and shall revise the same as in its judgment shall be for the best interests of the educational system of the state; and thereafter the state board of higher education shall prepare and present to the state budget board and to the legislature a single unified budget covering the needs of all the institutions under its control. The appropriations for all of said institutions shall be contained in one legislative measure.
- e. The said state board of higher education shall have the control of the expenditure of the funds belonging to, and allocated to such institutions and also those appropriated by the legislature, for the institutions of higher education in this state; provided; however, that funds appropriated by the legislature and specifically designated for any one or more of such institutions, shall not be used for any other institution.

3. Article XI General Provisions

Section 5. Unless otherwise provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be open to the public.

Section 6. Unless otherwise provided by law, all records of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be public records, open and accessible for inspection during reasonable office hours.

IV. Selections from the North Dakota Century Code: Items Pertinent to the Governance of Higher Education and the Operation of the University of North Dakota

There are many policies in the North Dakota Century Code that may be pertinent to the faculty at the University of North Dakota. The North Dakota Century Code is available online at the [North Dakota State Government website](#).

V. Selections from the Code of Student Life

The [University of North Dakota Code of Student Life](#) contains many provisions which are of interest to faculty, especially regarding the protection of student academic and other records, many of which are protected by federal law, and regarding student misconduct – whether academic or otherwise.

The [Code of Student Life](#) (CSL) is available online through the University Home Page, and a hardcopy edition may be requested from the office of the Dean of Students.

Student records/information. Any time a faculty member is reporting any facts regarding a student to, or discussing any facts regarding a student with, anyone other than the student herself or himself, the faculty member needs to be concerned with the University's policies regarding such records and information. Conforming conduct to these policies, set out in full in the CSL, will protect the faculty member from violating federal or state law as well as from failure to comply with University policy.

Academic or other misconduct of students. The expectations of the University regarding student conduct, including academic honesty (cheating, plagiarism, etc.) are stated in detailed regulations which are published in the CSL. The role of faculty in reporting and processing apparent violations of these policies, and the procedure, therefore, is included in these regulations.

Senate Resolution

To: The Student Senate of the University of North Dakota

Authors: Matthew Ternus – Student Body President, Kaelan Reedy – Student Body Vice President, Lydia Kennelly – Residence Hall Senator, Sadie Hanson – Nistler College of Business & Public Administration Senator, Dominique Menard – On Campus Apartments Senator, Faith Wahl – Off Campus Senator

Sponsors: Danielle Korsmo – Residence Hall Senator, Victoria Wu – Off Campus Senator, Brendan Muus – ARH President, Payton Wolf – ARH Vice President

CC: Matthew Ternus - Student Body President, Kaelan Reedy - Student Body Vice President, Cassie Gerhardt - Student Government Advisor, Andrew Frelich - Student Organization Funding Agency Advisor; Dr. Cara Halgren - Vice President for Student Affairs and Diversity,

Date: 10/13/2021

Re: Support for Reinstating Spring 2020's Student Preference Grading System for the Fall 2020 Semester

2 Whereas, in the Spring 2020 semester, the University of North Dakota transitioned to an online-only education model which allowed undergraduate students to choose classes to switch to the Satisfactory/Unsatisfactory (S/U) system, which might be best described as a "Pass/Fail" system, and

4 Whereas, while the S/U system currently exists in its pre-Spring 2020 form, following the transition to
6 online-only caused by the COVID pandemic, leadership across the institution came together and successfully implemented temporary changes to the S/U system, of which included the following:

8 The deadline to switch to S/U grading was moved to 4:30 pm on reading and review day,

8 Restrictions on Freshmen electing to opt-in to S/U grading were waived,

Students were allowed to opt-in to more than 30 hours of total S/U grading,

10 Students were allowed to opt-in to S/U grading for courses in their major.

12 Whereas, the switch to this form of S/U grading was made available to students in all programs, with exceptions to medical, law, and graduate students, and

14 Whereas, students had to contact their academic advisor prior to switching from traditional grading to S/U grading, and were made aware that the change of grading style was irreversible, and

16 Whereas, students were also required to fill out an online form, which asked students which of their classes they sought to switch to the S/U system of grading, and

18 Whereas, for classes that are switched to S/U grading, the instructor sees no changes and continues to input grades as they would. The registrar office handles the translation of grades to S/U, and

20 Whereas, 1,503 students chose to switch to S/U grading for 2,432 classes during the Spring 2020 semester, and

22 Whereas, while students may have returned to campus, the wide variety of instruction models and circumstances out of the control of the students due to the ongoing pandemic have resulted in a wide variety of stressors for students,

24 Whereas, courses switching to online-only after the Thanksgiving break may require students to once again adjust their educational schedules and affect their performance, and

26 Whereas, the ongoing COVID pandemic may be taking students out of their classes, be it due to positive tests, close contact, the need to work, familial effects, lack of proper remote study materials, among other potential concerns, and

30 Whereas, the added physical and emotional stressors on a student, be it caused by change in instruction model, financial concerns, or worry of COVID in regard to the individual or individual's family may negatively impact the work of the students, and

32 Whereas, students in any form of congregate housing, such as residence halls and Greek houses, face added stressors regarding contact of COVID and potentially having to relocate in order to complete their quarantine or isolation due to COVID, and

36 Whereas, each and every student learns in a different fashion, and requires different levels of engagement. Classes that are solely online or are available via hybrid learning may not offer the best engagement for students, thus resulting in altered performance, and

38 Whereas, in a survey conducted by UND Student Government via official Student Government social medias and constituent outreach, 1,393 responses were collected gauging student opinion on the topic of grading scales for the Fall 2020 semester, and

42 Whereas, of those 1,393 responses, 4% of respondents replied "No preference" in terms of grading scales, 9% of respondents replied "All grading remain traditional" in terms of grading scales, 20% of respondents replied "All grading be done in the Satisfactory/Unsatisfactory model" in terms of grading scales, and 67% of respondents replied "You have the ability to individually choose between traditional and S/U" in terms of grading scales, and

46 Whereas, this survey was made public around 2:00pm CST on Monday, October 12th, and results were exported and analyzed at 2:00pm CST on Tuesday, October 13th, and

48 Whereas, within the survey, respondents were made aware of the meaning of traditional grading and S/U grading, and

50 Whereas, UND Student Government has engaged in conversations with the University Senate and the Senate Executive Committee regarding the potential for the return of the Spring 2020 S/U grading system, and

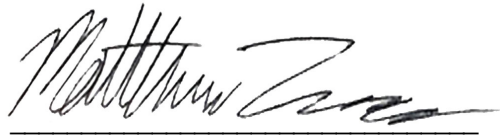
54 Whereas, the UND Association of Residence Halls (ARH) is discussing a similar resolution supporting the return of Spring 2020's optional S/U grading format;

56 Therefore, be it moved that UND Student Government supports reinstating the student's preference grading system which was utilized during the Spring 2020 semester for the Fall 2020 semester, where through reading and review day, December 11th, students will have the opportunity to submit a form if they wish to switch any or all of their classes to S/U grading, and

60 Therefore, be it further moved that, once again, UND Student Government only supports a grading
system change for undergraduate students and believes grades for graduate students, medical school
students, and law students should be left to the programs and deans of those schools, and

62 Therefore, be it furthest moved UND Student Government thanks UND leadership for their continued
work towards improving the student experience during the COVID pandemic and ensuring the student
64 voice is still well represented on all levels at UND.

66

A handwritten signature in black ink, appearing to read "Matthew Ternus", written over a horizontal line.

Matthew Ternus, Student Body President



Association of Residence Halls
University of North Dakota

ARH RESOLUTION

ARH R-2021-01: Satisfactory/Unsatisfactory Grading

Submitted by: Payton Wolf and Brendan Muus

Sponsored by: Matthew Ternus - Student Body President

Lydia Kennelly - On Campus senator

Danielle Korsmo - On Campus senator

Submission Date: 10/15/20

1. Whereas, in the Spring 2020 semester, when the University of North Dakota transitioned to an online-only education model, which allowed undergraduate students to choose classes to switch to the Satisfactory/Unsatisfactory (S/U) system, which might be best described as a "Pass/Fail" system, and
2. Whereas, while the S/U system currently exists in its pre-Spring 2020 form, following the transition to online-only caused by the COVID pandemic, leadership across the institution came together and successfully implemented temporary changes to the S/U system, and
3. Whereas, for classes that are switched to S/U grading, the instructor sees no changes and continues to input grades as they would. The registrar office handles the translation of grades to S/U, and
4. Whereas, 1,503 students chose to switch to S/U grading for 2,432 classes during the Spring 2020 semester, and

5. Whereas, while students may have returned to campus, the wide variety of instruction models and circumstances out of the control of the students due to the ongoing pandemic have resulted in an abundance of stressors for students, and
6. Whereas, the ongoing COVID pandemic may be taking students out of their classes, be it due to positive tests, close contact, the need to work, familial effects, lack of proper remote study materials, among other concerns, and
7. Whereas, there is no way to properly determine all of the potential stressors each student is facing such as: testing positive, having a loved one test positive, losing a loved one, having to isolate from friends, and
8. Whereas, students have no control over the format of their required and unrequired classes and have no say in the future of those classes as the format may change at any time with only the discretion of the professor, and
9. Whereas, UND Student Government has engaged in conversations with the University Senate and the Senate Executive Committee regarding the potential for the return of the Spring 2020 S/U grading system, and
10. Therefore, be it moved that the Association of Residence Halls (ARH) supports reinstating the student's preference grading system which was utilized during the Spring 2020 semester for the Fall 2020 semester, where through reading and review day, December 11th, students will have the opportunity to submit a form if they wish to switch any or all of their classes to S/U grading.

Floor Action: 8-0-0

President's Signature: *Brendan Muus*

Proposed Faculty Handbook Course Syllabus Policy to be included in Section III: Teaching Policies and Procedures

XIII. Course Syllabi

To assist students, course instructors shall provide access to a course syllabus at the beginning of the semester for all regular on-campus and online courses. The contents of the syllabus should include, where applicable, the following information:

- A. Course information such as course title, course number and semester.
- B. Instructor name, contact information, preferred modes of communication, and if possible, office hours and availability.
- C. The course description, learning goals and outcomes, and Essential Studies goals.
- D. Meeting location(s), time(s) and/or schedule.
- E. Information on required texts and materials.
- F. Information about required examinations, assignments, activities, and projects.
- G. Information on any required participation outside of class meetings, such as field trips, service learning, or other activities and expectations.
- H. Attendance and absence policies.
- I. Final examination or final project date.
- J. Grading scale and grading policies, such as late assignment policies.
- K. Information about, or links to, important University Policies, such as:
 1. [Scholastic Honesty and the Code of Student Life](#)
 2. [Notice of Nondiscrimination](#)
 3. [Disability Services for Students](#)
 4. [Reporting Sexual Violence and Faculty Reporting Obligations](#)
 5. [Incomplete Grade Policies](#)
 6. [Final Examination Policies](#)

Information contained in the course syllabus, may be subject to change with reasonable advance notice, as deemed appropriate by the instructor. Faculty are expected to avoid making significant changes to attendance requirements and grading or scheduling of major assignments and tests as set forth in the original syllabus, unless changes are clearly supported by effective teaching and learning considerations. Faculty are responsible for communicating any such changes to students in a timely manner.

Individual Colleges and Departments may develop additional or alternative guidelines for course syllabi, where appropriate, such as alternative requirements for internships, directed or independent studies, thesis credits, labs, or other unique courses.

The absence of any of these elements does not relieve a student from the responsibility to meet the academic requirements of the course as determined by the instructor.