

# NDSU Faculty Senate

## Minutes for Meeting on Sept 9, 2019

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**\*\*NOTE:** Voting records of individual senators are unavailable for this meeting as the Turning Point Clicker system had not been updated to reflect changes in Senators since 2019 (i.e. addition of new Senators elected in May and removal of Senators whose terms ended in May)

- I. Meeting called to order at 3:01pm
  
- II. Attendance/substitutions
  - a. Berlin Nelson for Luis del Rio Mendoza
  - b. Clayton Hilmert for Mark McCourt
  - c. Kathleen Swanson for Sharon Nelson
  - d. Shaobin Zhong for Zhaolui Liu
  
- III. Adoption of Agenda
  - a. MOTION: Move to approve (Lyman/Werremeyer)
  - b. Motion carried by acclamation
  
- IV. Approval of previous meeting minutes from May 6, 2019
  - a. MOTION: Move to approve (Sassi/DeSutter)
  - b. Motion carried by acclamation
  
- V. Announcements
  - a. President Bresciani
    - Had no announcements given recent campus update email (was in attendance)
  - b. Ken Grafton
    - Asking for Faculty senate input on how to improve summer school in regards to course offerings, student participation and faculty incentives
    - Collaborative Brain Trust is the company organizing the strategic planning initiative
    - Subcommittee of deans formed to address budget concerns and how to address upcoming budget cuts
    - CSM dean search is narrowed down to ~8 individuals
    - Search beginning for director of assessment and accreditation
    - Introduced the new HR director
  - c. Molly Secor-Turner
    - Welcomed everyone to this year of Faculty Senate and showed some information about North Dakota United that was shared by Courtney Schaff
  - d. Elizabeth Cronin, Staff Senate President
    - Introduced herself and talked about potential collaboration between Staff and Faculty Senate
  - e. Joe Vollmer, Student Body Vice President
    - Have open positions for Student Senator positions – please contact Joe if you have

- any suggestions for nominations
- First Student Senate meeting on September 8th – Policy 336 failed the Student Senate
- f. Barb Vilella @ NDSU Research and Technology Park
  - Meeting space available for faculty and students at the research park
  - Innovation Challenge has been changed around to only be in the Fall
  - Hype Night kicks off the event on September 24
  - Want to put students in front of employers who can hire them for internships
- g. Kate Nelson DeShaw, Graduate School
  - No report (not in attendance)

## VI. Consent agenda

- a. Includes: 1) UCC Report, 2) Policy 134.1: Workplace and Family/dependent Responsibilities, and 3) Policy 515: Travel—Employees
- b. MOTION: Move to approve the consent agenda (Gillam/Johnson)
  - B Nelson: For Policy 134.1, is there a definition at the university of a child?
  - No one was aware of such a definition
  - No changes brought forth regarding Policy 134.1
- c. Request by Rodgers to move UCC Report to New Business (Rodgers/Pieri)
  - d. VOTE: Motion carried with a vote of 36:0:1 (accept: reject: abstain).

## VII. New Business

- a. Introduction of Policies 151.1 and 152 by Dennis Cooley
  - Idea was to create a centralized conflict of interest committee rather than the current format in which individual COI committees are formed for each issue that comes up
- b. Policy 151.1 External Activities and Conflicts of Interest (Attach. 5,6)
  - MOTION: Move to Approve Policy 151.1 (Gillam/Reindl)
  - FRIENDLY AMMENDMENT (Andrianova/Werremeyer)
    - Edit first line of sentence for consistency and gender neutrality: *A Conflict of Interest is a divergence between ~~an~~ individual's' private interests and ~~his or her~~ their professional obligations to the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise.*
  - Friendly amendment accepted by the author
  - VOTE (ORIGINAL MOTION): Motion carried with a vote of 35:1:1 (accept: reject: abstain).
- c. Policy 152: External Professional Activities (Attachment 7)
  - MOTION: Move to Approve Policy 152 (Reindl/Gillam)
  - No Discussion
  - VOTE: Motion carried with a vote of 32:0:4 (accept: reject: abstain).
- d. Policy 336: Examinations and Grading (Attachment 8)
  - MOTION: Move to Approve (Andrianova/Hawley)
  - DeSutter asked for info about why Student Senate did not pass this motion

- Lindsey Pouliot, Executive Commissioner of Academic and Student Affairs
    - Main issue was a scheduling concern in regards to allowing students sufficient time to study for finals
    - Want a more comprehensive picture of how to modify the policy while still preserving study time rather than completely deleting the policy altogether
  - Werremeyer asked for a summary of reasoning from the committee proposing the changes about their suggested removal of dead week policy
    - Hawley summarized issues with scheduling oral and written exams as part of a course; also felt that curriculum issues such as dead week are, beyond input, not the purview of students.
    - Pouliot responded with a discussion of the anxiety and depression many students feel about exams and wanting to provide a lower work load that week before finals – ultimately, student government is looking out for student interests
  - Andrianova suggested one option that had been discussed by the committee that might be preferable – reading days in which for the 2-3 days before exams there are NO classes
  - Rhonda Kitch, Registrar – must be instructional time up until the Thursday before finals week based on state policy.
    - Inconsistency across campus in implementation of dead week policy and how to deal with violation
  - VOTE: Motion failed with a vote of 15:20:2 (accept: reject: abstain).
  - MOTION: Send policy back to ad hoc committee
  - VOTE: Motion passed with a vote of 35:1:1 (accept: reject: abstain).
- e. UCC Report
- MOTION: Move to Approve (Johnson/Gillam)
  - Rodgers asked what will happen if a course is not reviewed, given that the line about inactivation has been struck
  - Kitch noted that courses listed as Inactive on the UCC report are requested by the department
  - Susan Ray-Degges (UCC co-chair) – classes not approved in one year get moved to the column for next year
  - Latest the committee will take something for revalidation is February 15
  - VOTE: Motion carried with a vote of 34:2:1 (accept: reject: abstain).

#### VIII. MOTION TO ADJOURN (Lyman/Reindl)

- a. Motion carried by acclamation.

## NDSU Faculty Senate Agenda

September 9, 2019

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- I. Call to order
- II. Attendance/substitutions
- III. Adoption of Agenda
- IV. Approval of previous meeting minutes from May 6, 2019
- V. Announcements
  - a. Dean Bresciani, President
  - b. Ken Grafton, Provost
  - c. Molly Secor-Turner, Faculty Senate President
  - d. Carlos Hawley, Faculty Senate President-Elect
  - e. Elizabeth Cronin, Staff Senate President
  - f. Joe Vollmer, Student Body Vice President
  - g. Shelby Krech/Barb Villella, NDSU Research and Technology Park
  - h. Kate Nelson DeShaw, Graduate School
- VI. Consent agenda
  - a. UCC Report (forthcoming) **(Attachment 1,2)**
  - b. Policy 134.1: Workplace and Family/dependent Responsibilities **(Attachment 3)**
  - c. Policy 515: Travel—Employees **(Attachment 4)**
- VII. Unfinished Business
  - a. None
- VIII. New Business
  - a. Policy 151.1 External Activities and Conflicts of Interest **(Attach. 5,6)**
  - b. Policy 152: External Professional Activities **(Attachment 7)**
  - c. Policy 336: Examinations and Grading **(Attachment 8)**
- IX. Adjourn

## Attachment 1

University Curriculum Committee  
For Faculty Senate Meeting on September 9, 2019

**NDSU General Education Procedures (2019-2020) - Updated procedures process and general education courses for Faculty Senate review and approval. This is the same procedure as last year but language has been updated in 4<sup>th</sup> paragraph to reflect 2018/2019 Faculty Senate discussions. Strike through indicates language to be removed from document once approved by Faculty Senate. (see attachment)**

### General Education Recommendations

FREN 102 - recommended for revalidation for Humanities and Fine Arts and Global Perspectives categories (**correction from 4/8/19 UCC addendum**)

GERM 102 - recommended for revalidation for Humanities and Fine Arts and Global Perspectives categories (**correction from 4/8/19 UCC addendum**)

SPAN 102 - recommended for revalidation for Humanities and Fine Arts and Global Perspectives categories (**correction from 4/8/19 UCC addendum**)

THEA 110 – recommended for revalidation for Humanities and Fine Arts category

### New Programs

College of Engineering - Minor in Robotics

### Program Changes

B.S.; Pharmaceutical Sciences – added new courses for students accepted into the early admission pathway (EAP) option

### New Courses

Subject	No.	Title	Effective Term
HNES	274	Introduction to Youth and Interscholastic Sport	Spring 2020
HNES	425	Practical Sport Marketing Research	Fall 2019

### Course Changes

From:				To:				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
HIST	428	War and Society in Early America	3	HIST	<b>328</b>	<b>War and Society in America</b>	3	Spring 2020

### Changes in Prerequisites/Co-Requisites/Course Descriptions

Subject	No.	Title	Prerequisite/Co-requisite/Description Change	Effective Term
ACCT	200	Elements of Accounting I	Desc: An introduction to accounting to enable the student to achieve a working knowledge of accounting and its uses. ACCT 200 emphasizes the basic concepts and approaches of accounting applied to businesses, the accounting cycle, and the preparation of the income statement and balance sheet. Co-req: BUSN 116.	Spring 2020
ACCT	201	Elements of Accounting II	Desc: Building on ACCT 200, ACCT 201 emphasizes use of accounting information as a basis for decision-making. Topics include the statement of cash flows, financial statement analysis, and managerial accounting (budgeting, job-order costing, cost-volume-profit analysis, short-term decision making, and capital budgeting). Prereq: ACCT 200.	Spring 2020
ACCT	320	Cost Management Systems	Prereq: ACCT 201. Restricted to College of Business professional major or minor and a 2.50 minimum NDSU grade point average.	Spring 2020
HIST	428	War and Society in America	Desc: This course examines the changes that military conflict has wrought on American society from the colonial era through the War on Terror. Among other topics, readings and discussions will consider the effects of war on gender roles, ideas of racial difference, social and economic organization, politics, and America's relationship to the rest of the world.	Spring 2020

### Course Inactivations

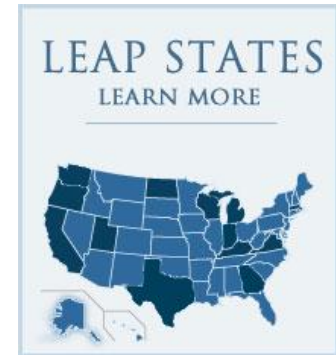
Subject	No.	Title	Effective Term
BUSN	301	Organizational Citizen	Fall 2019
COMM	214	Persuasive Speaking	Fall 2019
COMM	312	Oral Performance Studies	Fall 2019
COMM	321	Introduction to Communication Theory	Fall 2019
COMM	325	Applied Research Methods	Fall 2019

<b>Course Inactivations (continued)</b>			
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Effective Term</b>
COMM	381	Patient-Provider Communication	Fall 2019
COMM	434	Communication Law	Fall 2019
COMM	451	Directing Forensics	Fall 2019
COMM	462	Web Database Programming	Fall 2019
COMM	480	Health Communication II	Fall 2019
COMM	488	Social Influence and Organizational Change	Fall 2019
COMM	672	Public Relations Campaigns	Fall 2019
MGMT	651	Negotiation and Alternative Dispute Resolution	Fall 2019
MRKT	301	Marketing for Non-Business Majors	Fall 2019
MRKT	620	Advertising and Integrated Marketing Communication	Fall 2019

# NDSU

## General Education Program

### New Course and Course Revalidation Procedures for fall 2019



#### Why do we have a General Education Program?

- Liberal Education – we value – [LEAP](#) Initiative
- ND SBHE requirement – [SBHE Policy 403.7](#)
- [HLC](#) accreditation requirement

#### What is new in the General Education program?

- NDSU adopted a vertical writing program in 2007; first upper division writing courses implemented
- [CULE Model](#) – approved by Faculty Senate 9-15-15; followed by Quest discussion that did not pass
- General Education Committee and Academic Affairs Committees merged – AY17
- General Education [outcomes](#) updated and mapped to categories last approved 5-8-17
- 189 eliminated as a Gen Ed requirement – approved by Faculty Senate 3-20-17
- New procedures for course approvals to be implemented by UCC in Fall 2018

#### Who evaluates General Education courses?

The University Curriculum Committee ([UCC](#)), a standing committee of the Faculty Senate is charged with the responsibility to evaluate and recommend course approvals for the General Education program.

#### Why are General Education courses evaluated?

Courses are first evaluated for initial approval for the General Education program. Once approved, the courses are periodically revalidated. The overall General Education program learning outcomes are required to be assessed to ensure that all students completing a Bachelor's degree at NDSU meet the outcomes.

#### How often are General Education courses evaluated?

Courses that have been approved for the General Education program are required to be evaluated every five years to ensure that learning outcomes are being met as indicated. In late summer/early fall ~~2018~~, departments will receive a list of courses due for evaluation. New courses can also be proposed in fall semesters for evaluation and approval, and new courses are encouraged to help keep the program up to date and to help fill demand in required categories/outcomes. Currently highest demand is for D, G, S.

#### Where do we submit course proposals for evaluation?

Departments submit course proposals through the [CourseLeaf](#) system. The proposal requires a syllabus including the category, the outcomes, and the assessment/evaluation methods that will be used to determine if the outcomes are met. More preparatory information is available at [ndsu.edu/facultysenate/acadaffairs/general\\_education/](https://ndsu.edu/facultysenate/acadaffairs/general_education/)

#### When are proposals evaluated by the UCC?

Submission procedures of proposals for General Education **new** courses is only open in fall semester. General Education Courses that are being **revalidated** will have until February 15 of the spring semester. ~~If a course due for evaluation is not submitted, it will be automatically removed from the General Education course list in the next issue of the [Bulletin](#).~~

The following pages indicate the **5-year revalidation plan for existing General Education courses** and categories listed at [bulletin.ndsu.edu/academic-policies/undergraduate-policies/general-education/#genedcoursestext](https://bulletin.ndsu.edu/academic-policies/undergraduate-policies/general-education/#genedcoursestext). Courses are assigned based on time since last evaluation and category.

Courses that also include D or G categories embedded are noted with superscripts of D or G. Departments can propose revalidation earlier if desired. This list will be refreshed every summer.

**Proposed Semester for Evaluation (5 Year Rotation)**

<b>NDSU General Education Category</b>	<b>Fall 2019</b>	<b>Fall 2020</b>	<b>Fall 2021</b>	<b>Fall 2022</b>	<b>Fall 2022</b>	
<b>A</b>	ADHM 310	ARCH 321 <sup>G</sup>	ADHM 411 <sup>D</sup>	ENGL 229	ADHM 315	
	ADHM 410 <sup>D</sup>	ENGL 336 <sup>G</sup>	ART 130	ENGL 331	ADHM 316	
	ARB 101 <sup>G</sup>	ENVD 101	ART 153	ENGL 333	ENGL 220 <sup>D</sup>	
	ARB 102 <sup>G</sup>		CLAS 101	ENGL 380	ENGL 330 <sup>D</sup>	
	ARB 201 <sup>D</sup>		ENGL 225	RELS 220 <sup>G</sup>	ENGL 345 <sup>D</sup>	
	ARCH 322		ENGR 311	RELS 340 <sup>G</sup>	FREN 101 <sup>G</sup>	
	ART 110		FREN 345 <sup>D</sup>	RELS 345 <sup>G</sup>	FREN 102 <sup>G</sup>	
	ART 111 <sup>G</sup>		GERM 220 <sup>G</sup>	THEA 160	FREN 201 <sup>D</sup>	
	ART 210		HIST 135 <sup>D</sup>	ENGL 150 <sup>D</sup>	FREN 202 <sup>G</sup>	
	ART 211		HIST 431 <sup>D</sup>		FREN 340 <sup>D</sup>	
	ENGL 335 <sup>D</sup>		HON 340		GERM 101 <sup>G</sup>	
	ENGL 340 <sup>D</sup>		HON 386 <sup>D</sup>		GERM 102 <sup>G</sup>	
	ENGL 341 <sup>D</sup>		LA 322		GERM 201 <sup>D</sup>	
	ENGL 375 <sup>G</sup>		MUSC 100		HDFS 275 <sup>G</sup>	
	HIST 101		MUSC 108 <sup>D</sup>		GERM 201 <sup>D</sup>	
	HIST 102		PHIL 111		HIST/REL 320 <sup>G</sup>	
	HIST 103		PHIL 215		MUSC 103	
	HIST 104		PHIL 216		PHIL 101 <sup>D</sup>	
	HIST 261 <sup>D</sup>		THEA 115 <sup>D</sup>		SPAN 101 <sup>G</sup>	
	HIST 271 <sup>D</sup>		THEA 161		SPAN 102 <sup>G</sup>	
	HIST 381 <sup>G</sup>		THEA 280 <sup>D</sup>		SPAN 201 <sup>D</sup>	
			WGS 110 <sup>D</sup>			
			WGS 112 <sup>D</sup>			
	<b>B</b>	ADHM 486		ANTH 111 <sup>D</sup>		ANSC 200
		COMM 114		COMM 112		EMGT 425 <sup>G</sup>
		COMM 212		EMGT 101		MUS 379 <sup>D</sup>
COMM 216 <sup>D</sup>			ENGR 312 <sup>G</sup>		SOC 115	
ECON 105 <sup>G</sup>			GEOG 161 <sup>G</sup>		SOC 116 <sup>G</sup>	
ECON 201 <sup>G</sup>			HDFS 230		WGS 370 <sup>G</sup>	
ECON 202 <sup>G</sup>			HDFS 475 <sup>D</sup>			
GEOG 151 <sup>G</sup>			HON 341			
HDFS 135			INTL 110 <sup>G</sup>			
HDFS 186			POLS 120 <sup>G</sup>			
POLS 115			PSYC 210			
POLS 220 <sup>G</sup>			PSYC 211			
PSYC 250			PSYC 221			
PSYC/SOC 214			PSYC 270			
SOC 110						
SOC 235 <sup>D</sup>						
SOC 412 <sup>D</sup>						
POLS 110						
PSYC 111						
PSYC 212						
<b>C</b>	COMM 110		ENGL 326		COMM 111	
	ENGL 110		PHIL 450		ECON 356	
	ENGL 112		PHIL 451		PHRM 324	
	ENGL 120					
	ENGL 121					
	ENGL 122					
	ENGL 322					
	FREN 360					
	HIST 390					
	SPAN 401					
	ENGL 321					
	ENGL 324					
	ENGL 358					
	ENGL 320					
	ENGL 325					
	ENGL 357					
ENGL 459						
MICR 354						
<b>R</b>	CSCI 122			CSCI 159	EMGT 445 <sup>D</sup>	
	MATH 147			PHIL 257		
	MATH 166			MATH 104		
	STAT 330			MATH 144		
				MATH 146		
			MATH 165			



S		BIOL 111		GEOL 106 <sup>G</sup>	
		BIOL 220		GEOL 106L <sup>G</sup>	
		BIOL 111L		SOIL 217	
		BIOL 124L <sup>G</sup>		BIOL 126	
		BIOL 220L		HON 342	
		BIOL/PLSC 315		PLSC 210	
		BIOL/PLSC 315L		BIOL 126L	
		ENT 210		CHEM 121	
		MICR 202		CHEM 122	
		MICR 202L		UNIV 150	
		PLSC 110 <sup>G</sup>		UNIV 151	
		PLSC 111		PHYS 220	
		PLSC 211		PH 101	
		CHEM 117			
		CHEM 150			
		CHEM 151			
		CHEM 160			
		CHEM 161			
		CHEM 117L			
		CHEM 121L			
		CHEM 122L			
		GEOL 105 <sup>G</sup>			
		GEOL 105L <sup>G</sup>			
		GEOL 107L			
		PHYS 110			
		PHYS 251			
		PHYS 252			
		PHYS 110L			
		PHYS 251L			
		PHYS 252L			
		CSCI 114			
		MIS 116			
		GEOL 106 <sup>G</sup>			
		GEOL 106L <sup>G</sup>			
		PHYS 120			
		PHYS 211			
		PHYS 212			
		PHYS 120L			
		PHYS 211L			
		PHYS 212L			
W		HNES 217	HDFS 242		HNES 200
		HNES 250 (SP)	HNES 100		ECON 205 <sup>G</sup>
			HNES 111		

## Attachment 3: Policy 134.1

Policy 134.1 Version 2, 1/28/2019

# Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed; if not, it will be sent back to you for completion.



*If the changes you are requesting include housekeeping, please submit those changes to [nds.policy.manual@nds.edu](mailto:nds.policy.manual@nds.edu) first so that a clean policy can be presented to the committees.*

**SECTION: Policy Number and Name SECTION 134.1**  
**WORKPLACE AND FAMILY/DEPENDENT RESPONSIBILITIES**

1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
  - Is this a federal or state mandate?  Yes  No
  - Describe change: This policy has been revised to better meet the needs of employees who have children, and experience unforeseen emergencies that may necessitate bringing children to work for short periods of time. The changes also allow flexibility to units in addressing these situations while recognizing that working conditions vary widely across the institution. This policy proposal has iterated several times over the past few years. It went to the SCC, and further changes were required. Human Resources provided feedback on the policy, including some suggested changes. Those changes were accepted and included in the current version of the proposal.
2. **This policy change was originated by (individual, office or committee/organization):**
  - Office/Department/Name and the date submitted Commission on the Status of Women Faculty – 1/28/2019
  - Email address of the person who should be contacted with revisions: Daniel.Friesner@nds.edu

*This portion will be completed by SCC Secretary (Heather Higgins-Dochtermann).  
Note: Items routed as information by SCC will have date that policy was routed listed below.*

3. **This policy has been reviewed/passed by the following (include dates of official action):**

Legal Review:

Responsible Office:

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

Provost:

President:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to [nds.policy.manual@nds.edu](mailto:nds.policy.manual@nds.edu). All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

SCC://SCC\_cover\_sheet.doc Revised 11/09/2017

# North Dakota State University

## Policy Manual

### SECTION 134.1 WORKPLACE AND FAMILY/DEPENDENT RESPONSIBILITIES

SOURCE: NDSU President

1. North Dakota State University respects and values the importance of balancing work and family/dependent responsibilities and recognizes that there are times when these work responsibilities and family/dependent responsibilities will conflict with each other. Various options for employees to care for their dependents in the form of paid and unpaid leave are provided in the NDSU policies (see sections 130, Annual Leave; 135, Family Medical Leave - Uncompensated; 143, Sick/Dependent Leave; and 149, Leave Without Pay) see <http://www.ndsu.edu/policy/>.
2. Occasionally situations arise that are not specifically covered in these policies. When such situations occur, employees can request accommodation. NDSU is committed to addressing these requests with sensitivity and fairness to all concerned and will consider an employee's request to accommodate the situation, based on the following factors:
  - A. Workplace health, safety, and institutional liability issues related to the request;
  - B. Potential impact on the employee's work accomplishment and performance;
  - ~~C. The employee's performance history;~~
  - ~~D. C.~~ Effect on the efficiency and productivity of others in the immediate workplace environment and/or unit;
  - ~~E. D.~~ Length of time involved in the employee's request; and
  - ~~E.~~ Concerns of relevant decision-makers and clientele (for example, county commissioners for county Extension staff).

⚡

NOTE: In some cases, the employee may be required to sign a liability waiver.

VI. Prior to a decision regarding the employee's request, the employee's immediate supervisor will discuss the situation and the request with his/her supervisor and consult with relevant campus staff such as those in the Office of Human Resources/Payroll to assure that all reasonable options for a mutually satisfactory way to address the employee's situation are explored.

3. With regard to infants and young children, parents/guardians are responsible for arranging regular, appropriate childcare. In the event of an emergency, an employee may need to bring a child(ren) to the workplace for a short period. Each department shall take the following into consideration before allowing a child(ren) into the workplace.
  - A. The situations where the presence of a child(ren) would create an untenable disruption of the work environment, noting that the onus is on the unit to demonstrate that an untenable disruption would occur in those situations;
  - B. Physical locations in the unit in which the presence of a child(ren) would present a health, safety or liability issue; and
  - C. The processes and procedures by which approval to bring a child(ren) to the workplace would be approved and utilized.

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VII. ~~In all instances, in these circumstances~~ the employee is expected to

- ~~a~~A. Inform his/her supervisor;
- ~~b~~B. ~~Ensure adequate supervision of~~ the child(ren) at all times;
- ~~c~~C. ~~Minimize assure that~~ disruption ~~to co-workers and clientele is minimal~~ ~~and impact on the workplace;~~ and
- ~~d~~D. ~~Prohibit the child(ren)~~ from ~~entering occupying~~ hazardous areas.

~~In some cases, the employee may be required to sign a liability waiver.~~

A child who has an illness that prevents him/her from being accepted by a regular child care provider or from attending school, particularly a child with an infectious illness, should not be brought to the workplace.

The supervisor retains the right to instruct the employee to remove a child from the workplace if these expectations are not met ~~and the factors outlined in #2 above are not satisfactorily addressed.~~

HISTORY:  
New February 2006

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## Attachment 4: Policy 515

Policy 515 Version 1 3/11/19

### Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed; if not, it will be sent back to you for completion.



*If the changes you are requesting include housekeeping, please submit those changes to [ndsus.scc@ndsus.edu](mailto:ndsuscc@ndsus.edu) first so that a clean policy can be presented to the committees.*

**SECTION:** **515 Travel-Employees**

4. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
- Is this a federal or state mandate?  Yes  No
  - Describe change: Updated mileage rate in 4.1 and 4.3 for rate change that took effect on January 1, 2019 and added additional clarification to 8.2.2 to be consistent with the NDSU State Fleet and Rental Vehicle Guidelines.
5. This policy change was originated by (individual, office or committee/organization):
- Accounting Office – Lisa Ripplinger – 3/8/2019
  - [Lisa.m.ripplinger@ndsus.edu](mailto:Lisa.m.ripplinger@ndsus.edu)

*This portion will be completed by Heather Higgins-Dochtermann.*

Note: Items routed as information by SCC will have date that policy was routed listed below.

6. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to [ndsus.scc@ndsus.edu](mailto:ndsus.scc@ndsus.edu). All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

# North Dakota State University

## Policy Manual

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### SECTION 515 TRAVEL - EMPLOYEES

SOURCE: NDSU President  
North Dakota Century Code (NDCC)  
North Dakota Office of Management and Budget Policy

#### 1. GENERAL PROVISIONS

##### 1.1 DEFINITION OF "TRAVEL" - (NDSU Interpretation)

*For purposes of this policy, except for No. 2 below, the term "travel" means the absence from the city or community where a person normally works and/or maintains an office. For purposes of travel by staff members employed on the University campus their "community" shall include, Fargo, West Fargo, and Moorhead.*

##### 1.2 MEANS OF TRAVEL - (NDSU Interpretation)

*Employees must choose the most prudent and economical means of travel, considering factors such as: travel expenses, time away from the office, and the needs of the University.*

##### 1.3 ACCOUNTING OFFICE RESPONSIBILITY - (NDSU Interpretation)

*The NDSU Accounting Office is responsible for the initial development of NDSU's employee travel expense reimbursement policy, in addition to the final review and approval of individual employee travel expenses. Employees may be contacted by the Accounting Office for more documentation or a cost/benefit justification. The NDSU Accounting Office must apply the travel rules in this policy on a reasonable, fair and consistent basis.*

##### 1.4 TRAVEL VOUCHER REQUIREMENTS - (NDCC 54-06-09 (6))

Before an allowance for any such mileage or travel expenses may be made, the employee shall file with the employee's department an itemized statement showing the mileage traveled, the hour of departure and return, the days when and how traveled, the purpose thereof, and such other information and documentation as may be prescribed by rule of the employee's department, college, or division.

(NDCC 44-08-05.1)

Any employee who has the power to approve a voucher for a department shall determine, before approving such voucher, the following:

1.4.1 That the expenditure for travel or other expenditures were for lawful and official purposes.

1.4.2 If for travel expense, that the travel actually occurred and that the sums claimed for travel expenses are actually due the individual who is seeking reimbursement, allowance, or payment.

1.4.3 If the voucher is for expenditure other than travel expense, that the expenditure is lawful and that the voucher contains no false claims.

2. TRAVEL WITHIN THE CITY OF EMPLOYMENT

Employees may be reimbursed for expenses incurred within their "city or community" of employment for the following:

2.1 (NDSU Interpretation)

*Parking fees for personal vehicles when conducting University functions or attending University meetings.*

2.2 (OMB Policy 507)

Mileage at in-state rates for personal vehicles used to transport equipment or university guests for university functions.

2.2.1 (OMB Policy 507)

Mileage from a normal work station to a conference or meeting is reimbursable, if an employee actually reports to work prior to attendance at the meeting. However, mileage for travel from an employee's residence directly to the conference/meeting site is not reimbursable, since it is considered normal commuting travel.

2.3 (NDSU Interpretation)

*Meals may be reimbursed as provided under NDSU Policy 170.*

2.4 (NDSU Interpretation)

*Transportation between the employee's residence and airport, which consists of taxi fare or mileage plus airport parking, whichever is less.*

3. OUT-OF-STATE TRAVEL AUTHORIZATION - (NDSU Interpretation)

*Employees must have each out-of-state trip pre-approved by their immediate supervisor. In addition, employees in a department, college, or division must have each out-of-state trip pre-approved by their Dean or Director. Deans and Directors who report directly to a Vice President or Provost must have their out-of-state trips pre-approved by their Vice President or Provost. Vice Presidents, Provost, and others reporting directly to the President, must have each out-of-state trip pre-approved by the President. Prior approval is to be obtained by using the Travel Authorization – Out-of-State form.*

3.1 WORKERS COMPENSATION - (NDSU Interpretation)

*In cases where employees are working out-of-state for 30 consecutive days, or for any international trip, the employee must notify the University Police and Safety Office to arrange proper Workers Compensation coverage.*

3.2 FOREIGN TRAVEL AUTHORIZATION - (NDSU Interpretation)

*Each trip to a foreign country must be approved by the appropriate Vice President or Provost or their designee.*

4. PRIVATELY OWNED TRANSPORTATION - (NDCC 54-06-09)

An employee, when required to travel by motor vehicle or truck in the performance of official duty, should use a state-owned vehicle, whenever possible.

(OMB policy 511)

When an employee drives a state fleet vehicle, the State's liability coverage is primary should an accident occur. If an employee drives a personal vehicle on state business, the employee's



personal insurance is primary. If an employee must drive a personal vehicle because no state fleet vehicles are available, then the State would have primary responsibility.

(NDCC 44-08-03)

Where more than one state employee travels in the same car while engaged upon official duty, whether belonging to different departments, subdivisions, boards, or commissions or not, no claim may be made for more than one mileage, such claim to be made by the owner or lessee of such car.

If an employee is allowed to use a personal vehicle, reimbursement will be made according to the rates below.

4.1 IN-STATE MILEAGE - (NDCC 54-06-09 (1a))

The sum of ~~584.5~~ cents per mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle.

4.2 (NDCC 54-06-09 (1a))

The sum of 80 cents per mile when such travel is by private airplane.

4.3 OUT-OF-STATE MILEAGE - (NDCC 54-06-09 (3))

If only one person engages in travel exceeding any geographic point 300 miles beyond the borders of this state, reimbursement shall be limited to eighteen cents per mile for the out-of-state portion of the travel beyond the first 300 miles.

*(NDSU Interpretation)*

*When interpreting the law indicated in 4.3 above, it may be helpful to visualize that the state's border has expanded in all directions by 300 miles. When only one person travels outside the state of North Dakota and uses their own vehicle, their miles traveled within the 300 mile expanded border, the employee may be reimbursed at the ~~584.5~~ cents per mile rate. This includes both the departure and return parts of the trip.*

*When two or more state employees travel in the same vehicle, the per mile allowance is ~~584.5~~ cents. State employees accompanying the vehicle owner must be listed on the travel voucher.*

4.4 (NDCC 54-06-09 (5))

State employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding thirty consecutive days, will be allowed and paid 45 cents per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle. In this case the 300 mile restriction, in 4.3 above, does not apply.

*(NDSU Interpretation)*

*Mileage allowances are assumed to be total operating costs for vehicles. No additional amounts will be reimbursed to employees for personal items such as: traffic or parking tickets, vehicle repairs, or any other normal automobile expenses.*

5. COMMERCIAL AIRLINES - (OMB Policy 510)

For travel on official state business, airline tickets may be either purchased through a travel agency and billed to the department, or purchased by the employee and reimbursed. In either case, the original itinerary should be used to support the travel agency payment or employee reimbursement.

Reimbursement to an employee or tickets directly billed to a department will be allowed for the actual cost of tourist or coach fare, purchased at the lowest reasonable rate available, except when approved by the President, or President's designee, unless not permitted by federal rules or regulations. Approvals must be filed in the President's Office. First Class or Business Class tickets should normally be through a frequent flyer upgrade or the employee should use frequent flyer miles earned via state travel. Invoices from third parties (like travel agencies) must identify if travel is First Class or Business Class.

5.1 (NDSU Interpretation)

*If the ticket is paid by the employee in a month prior to the travel dates, with appropriate department approval, the employee may be reimbursed immediately after the ticket is paid using an accounts payable voucher.*

5.2 (NDSU Interpretation)

*Meal and lodging expenses will be limited to the days needed to complete the business trip. Meal and lodging expenses for additional travel necessary to get a discounted or reduced airline rate are reimbursable, if a cost savings can be documented.*

6. MEAL REIMBURSEMENTS - (NDCC 44-08-04)

Reimbursement is allowed only for overnight travel or other travel, away from the normal place of employment, for four hours or more. Verification of expenses by receipt is required only for lodging expenses.

6.1 DEFINITION - QUARTERS - (NDCC44-08-04 (2)) (NDSU Interpretation italicized)

For purposes of employee meal and lodging reimbursements, state law defines the four quarters of a day as follows:

First quarter shall be from six (6) a.m. to twelve (12) noon. No reimbursement may be made if travel begins after seven (7) a.m.

Second quarter shall be from twelve (12) noon to six (6) p.m. (No reimbursement will be made for this quarter if travel begins after one (1) p.m. or ends prior to twelve (12) noon.)

Third quarter shall be from six (6) p.m. to twelve (12) midnight. (No reimbursement will be made for this quarter if travel begins after seven (7) p.m. or ends prior to six (6) p.m.)

Fourth quarter shall be from twelve (12) midnight to six (6) a.m. (This quarter pertains to claiming lodging expense.)

6.2 CONFERENCE, SEMINAR, OR OTHER MEETING - (NDCC 44-08-04 (1))

Claims may also be made for meals that are included as part of a registration fee for a conference, seminar, or other meeting and for meals attended at the request of and on behalf of the University; however, if a meal is included in a registration fee, the applicable quarter's meal allowance cannot be claimed for that meal.

6.3 TAXABLE MEALS - (NDSU Interpretation of IRS regulations)

*Meal reimbursements that do not involve "overnight lodging" are reported as taxable gross income on the employee's W-2 and are subject to withholding and employment taxes. A lodging receipt is considered adequate proof of overnight lodging. Also, a notation on the travel voucher that the employee stayed overnight with a friend or relative is sufficient.*

6.4 PAYMENT FOR MEALS OF STAFF & GUESTS, WHILE IN TRAVEL STATUS -

*(NDSU Interpretation)*

*NDSU Policy 170 allows reimbursement to employees for meals of staff and guests, even though the employee is not in travel status. Employees while in travel status may also occasionally encounter meal expenses when they are required to be at a meeting and there is a need to pay for meals of guests, such as when interviewing candidates, recruiting, or fund raising.*

*If an employee is at a required meeting and pays for meals of guests (while in travel status), the employee may be reimbursed for the actual receipt amount. If the employee meal is reimbursed at actual receipt amount on the travel voucher, he/she must not claim the applicable quarter's meal allowance.*

*When employees are reimbursed for the actual receipt amount for meals under this section, the expenses should be reflected under the "miscellaneous expense" column on the travel voucher. The purpose of the meeting and names of guests must be documented on either the travel voucher or an attached banquet and meeting documentation form.*

6.5 TEAM TRAVEL - (Excerpt from NDCC 44-08-04, Subsection 1)

If a higher education athletic team or other organized institution organization group meal is attended at the request of and on behalf of the institution, actual expenses for the entire group, including coaches, trainers, and other employees, may be paid or submitted for payment of a team or group travel expense report: subsection 2 does not apply; and officers and employees are not required to document individual expenses or submit individual travel reimbursement vouchers.

*(NDSU Interpretation)*

*Meal expenses of athletic department employees, when traveling with student athletes to games, are covered by travel advances issued from the Accounting Office. These meals are attended at the request of and on behalf of the University and, therefore, the meals are paid from the travel advance at the actual cost of the meals, in accordance with the Athletic department meal reimbursement guidelines for student athletes. Since the meals are paid out of the travel advance, it is not necessary for the employees involved in the team travel to complete a travel voucher to claim reimbursement for the meals.*

*As an alternative to actual meal costs, some head coaches may prefer to distribute a cash per diem to the employees and student athletes. The cash per diem is distributed from the travel advance for the individual to use for meals. The cash per diem for employees must not exceed the meal allowance allowed policy and must not exceed the Athletic department meal reimbursement guidelines for student athletes. Since the employee cash per diem is paid from a travel advance, it is not necessary for the employee to complete a travel voucher to claim reimbursement for the meals.*

6.6 MEAL ALLOWANCE RATES - (NDCC 44-08-04 (2))

Meal reimbursement rates depend upon the time of day the employee is in travel status and whether the travel is in-state or out-of-state. Verification of receipts shall not be required for the first three quarters listed above in Section 6.1.

6.6.1 IN-STATE - (NDCC 44-08-04 (2))

For travel on or after August 1, 2017, in-state rates are as follows:

Location	Daily Total	First Quarter	Second Quarter	Third Quarter
In-State	\$ 35.00	\$ 7.00	\$ 10.50	\$ 17.50

6.6.2 OUT-OF-STATE, WITHIN CONTINENTAL U.S. - (NDCC 44-08-04 (3))

The allowance for out-of-state meals, within the continental United States, is equal to per diem meals rate in the city for which a claim is made on that day as established by the United States general services administration and must be allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

*(NDSU Interpretation)*

The standard meal allowance rate (per diem) for cities in the continental United States is currently \$51.00 per day effective 10/01/2015. The North Dakota Office of Management and Budget (NDOMB) web site shows the official current out-of-state meal allowance rates that NDSU will follow. The NDOMB web site includes a [listing of cities](#) whose meal allowance rates are higher than the standard rate.

The table below (effective 10/01/2015) shows examples of how the meal allowance per diem is split between the first quarter or breakfast (20%), second quarter or lunch (30%), and third quarter (50%).

Location	Daily Total	First Quarter	Second Quarter	Third Quarter
Out-of-State, within continental U.S. (depending on city) <u>Standard Rate</u>	\$ 51.00	\$ 10.20	\$ 15.30	\$ 25.50
(depending on city)	\$ 54.00	\$10.80	\$ 16.20	\$ 27.00
(depending on city)	\$ 59.00	\$11.80	\$ 17.70	\$ 29.50
(depending on city)	\$ 64.00	\$12.80	\$ 19.20	\$ 32.00
(depending on city)	\$ 69.00	\$ 13.80	\$ 20.70	\$ 34.50
(depending on city)	\$ 74.00	\$ 14.80	\$ 22.20	\$ 37.00

6.6.3 NON-CONTINENTAL UNITED STATES AND OVERSEAS NONFOREIGN AREAS - (NDCC 44-08-04 (4))

The allowance for meals in noncontinental United States and overseas nonforeign areas, including Alaska, Hawaii, and Guam, is equal to the per diem meals rate in the city for which a claim is made on that day as established by the rule for federal employees established by the United States per diem committee and must be allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

*(NDSU interpretation)*

The Accounting Office web site will have a link to the appropriate meal allowance for foreign travel.

6.6.4 FOREIGN TRAVEL - NDCC 44-08-04(5))

The allowance for meals outside the United States is equal to the per diem meals rate in the city for which a claim is made on that day as established by rule for federal employees established by the United States department of state and must be allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

*(NDSU Interpretation)*

*The Accounting Office web site will have a link to the appropriate meal allowance for foreign travel.*

7. LODGING REIMBURSEMENTS - (NDCC 44-08-04 (1)(2d)(6)) *(NDSU Interpretation italicized)*

Reimbursement for in-state lodging expenses incurred while in travel status during the fourth quarter shall not exceed 90% of the rate established by the United States General Services Administration (GSA) for North Dakota, plus applicable state or local taxes on lodging. For travel on or after October 1, 2017, the GSA rate for lodging in North Dakota was \$93; therefore, the maximum amount that can be claimed is \$83.70, plus applicable taxes. For travel on or after October 1, 2018, the GSA rate for lodging in North Dakota is \$94, therefore the maximum amount that can be claimed is \$84.60 plus applicable taxes ( $\$94 \times 90\% = \$84.60$ ).

The GSA will update their rates periodically during the biennium and the allowable lodging reimbursement will also change at that time. See the city/county rate exceptions, found on the Accounting website. The amounts shown are 90% of the GSA rates and are the maximum state reimbursable rates that can be claimed, plus applicable state and local taxes.

Out-of-state lodging expenses shall be reimbursed at actual expense.

An original lodging receipt is required for reimbursement to the employee. *(When an original receipt is lost, a photocopy or faxed invoice should be obtained with a notation by the employee that the original receipt was lost.)*

7.1 IN-STATE LODGING RATES OVER MAXIMUM - (SBHE 806.1.10)

In the unlikely situation an employee cannot find lodging at 90% of the GSA rate, the following process needs to be followed:

7.1.1 Prior-approval by campus designated approver must be obtained.

7.1.2 The request must document the name of the employee, name of city traveling to, dates of lodging, name and local phone number of the lodging facility, the rates quoted for the dates of travel or if there were no available rooms. A minimum of 3 facilities should be contacted. If traveling to a North Dakota community that does not have 3 lodging facilities, indicate on documentation.

7.1.3 This documentation must be attached to the travel reimbursement form.

7.1.4 Occasionally, additional documentation will be requested to ensure the most cost-effective rates possible were obtained.

7.1.5 *If a room is more than the 90% maximum GSA rate for North Dakota, allowed in section 7, above, the additional taxes eligible for reimbursement must be pro-rated. For example (using the \$ 84.60 maximum rate): if the room is \$90.00 and taxes are \$13.50, the individual will be reimbursed \$ 84.60 plus \$ 12.69 pro-rated taxes ( $\$84.60/90.00 \times \$13.50 = \$ 12.69$ ).*

7.2 DIRECT BILLING OF LODGING TO DEPARTMENT - *(NDSU Interpretation)*

*Employee lodging must be first paid by the employee and then reimbursed using the travel voucher. An employee's lodging expense should not be paid directly by the department to the lodging facility.*

*EXCEPTIONS - (NDSU Interpretation)*

7.2.1 State law (NDCC 44-08-04.5) allows a state agency or institution to pay an out-of-state lodging provider directly when the North Dakota Office of Management and Budget has obtained a sales tax exemption from the destination state.

*(NDSU Interpretation)*

*(At this time, OMB does not have an agreement with any other state. State agencies will be notified when such agreements have been obtained.) The state law exception does not apply to in-state lodging.*

7.2.2 *(NDSU Interpretation)*

*A lodging facility may be paid directly by the department if the travel involves a student field trip or athletic team travel.*

7.3 REQUIRED DEPOSITS - *(NDSU Interpretation of OMB Policy 513)*

*If a lodging facility requires a paid deposit to hold a room in advance, it should be paid by the employee. If the deposit is paid by the employee in a month prior to the travel dates, the employee may be reimbursed immediately after the deposit is paid using a Request for Payment form. The employee will need to verify that the deposit was properly credited to the lodging bill when the travel takes place.*

7.4 ROOM SHARING - *(NDSU Interpretation)*

*When two or more state employees share lodging accommodations, each employee should normally claim his/her own reimbursement. In instances where one employee pays the total lodging costs, he/she may claim reimbursement for the same by listing the other employee(s) sharing the lodging accommodation.*

*(OMB Policy 513)*

*When a state employee is accompanied by an individual not eligible for reimbursement (a spouse or traveling companion), the state employee must have the lodging establishment clearly certify the room rate for a single person and only that amount may be claimed.*

8. MISCELLANEOUS TRAVEL EXPENSES - *(NDSU Interpretation)*

*Reimbursement may also be requested for such necessary miscellaneous travel expenses as registration fees, car rental, taxi fares, toll fees, business telephone calls, parking fees and up to \$5.00 per day for personal telephone calls while in travel status. All miscellaneous travel expenses*

claimed on the travel voucher must be individually identified and explained. Receipts are required for all individual miscellaneous travel expenses exceeding \$10.00.

8.1 ENTERTAINMENT & PERSONAL EXPENSES - (NDSU Interpretation)

Employee entertainment or other personal expenses are not reimbursable. Expenses claimed by an employee that appear to fall in this category, will need additional justification to support claiming them as necessary business expenses.

8.2 CAR RENTAL - (OMB Policy 518)

8.2.1 The university will reimburse an employee for car rental if the employee used an aircraft to get to their destination, and if the use of the vehicle is sufficient to justify that mode of travel instead of a taxi. It is generally the policy to discourage car rentals unless their cost effectiveness is self-evident.

8.2.2 When renting a car for university business, purchase of additional insurance is not necessary when using the car rental companies National/Enterprise and Hertz because it is already included with the contracts between the State of North Dakota and the rental companies. In the event that National, Enterprise or Hertz are not available at the destination, you MUST purchase Collision Damage Waiver, Comprehensive, and Liability Insurance that is equivalent to North Dakota's Cooperative Contract except in the following states: MN, SD, MT, WY, IA and WI. In these states, coverage is through the ND Risk Management Division, covered by the State's Risk Management Fund. However, the North Dakota Risk Management Division also does recommend purchasing the liability insurance if renting outside the United States. Also, when out of the country, it is advisable to purchase the loss damage waiver as well. Employees should consider what coverages the employee's personal auto insurance provides.

8.3 TIPS AND OTHER CHARGES - (NDSU Interpretation)

Reasonable tips, not to exceed \$5.00 per tip, and service charges that are a necessary part of the business trip are reimbursable. Examples include: tips to bellhops and taxicab drivers. No reimbursement is allowed for tips on meals that are covered by the meal allowance

8.4 LOST RECEIPTS - (NDSU Interpretation)

When an original receipt is lost, a photocopy or faxed invoice should be obtained with a notation by the employee that the original receipt was lost. Credit card receipts are not sufficient.

9. TRAVEL ADVANCES - (NDCC 44-08-04.2)

The Accounting office may approve a travel advance to employees for payment of meal and lodging expenses incurred while the employee is traveling on official business of this state, provided that such travel is planned to be in excess of five days per month, and provided that the funds advanced do not exceed eighty percent of the estimated expenses for the period.

NDSU LIMITATIONS - (NDSU interpretation)

Funds advanced for meals and lodging must be accounted for as required by this Policy. Travel advances may not be made from state appropriated funds. A travel advance form is available to

request an advance. The Accounting Office will generally limit travel advances to the following two situations:

- 9.1 When an employee is chaperoning a group of students or other guests and is expected to pay some of the student's or guest's expenses.
- 9.2 When an employee is going on a trip for an extended period of time, such as more than one month. Usually these are international trips funded by a special grant.

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HISTORY:

New	July 20, 2000
Amended	July 2001
Amended	June 2003
Amended	October 2003
Amended	August 2005
Amended	February 2006
Amended	October 2007
Amended	January 2008
Amended	July 17, 2009
Housekeeping	October 6, 2009
Housekeeping	February 2010
Amended	July 2010
Housekeeping	September 2010
Housekeeping	January 5, 2011
Housekeeping	June 15, 2011
Housekeeping	August 18, 2011
Housekeeping	January 27, 2012
Housekeeping	April 23, 2012
Housekeeping	October 10, 2012
Housekeeping	January 10, 2013
Housekeeping	July 30, 2013
Housekeeping	September 18, 2013
Housekeeping	December 31, 2013
Housekeeping	March 3, 2014
Housekeeping	December 31, 2014
Housekeeping	April 29, 2015
Amended	June 22, 2015
Housekeeping	September 30, 2015
Housekeeping	December 31, 2015
Housekeeping	September 7, 2016
Housekeeping	December 30, 2016
Housekeeping	October 1, 2017
Housekeeping	October 10, 2017
Housekeeping	January 18, 2018
Housekeeping	October 1, 2018



## **Attachment 5: Additional Information Regarding Policies 151, 151.1, and 152**

### **Additional Information Regarding Policies 151, 151.1 and 152**

Provided by Dr. Dennis Cooley, 8.26.19

- Policy 151 and 152 have only minor changes to make them consistent with each other and with the new policy 151.1. (Note: Policy 151 is not currently up for review).
- Policy 151.1 has been revised to create a university wide conflict of interest committee, rather than individual conflict of interest committees. The new version of Policy 151.1 replaces the old version almost in its entirety.
- The main changes to the revised Policy 151.1 include:
  - Instead of 3 faculty members per each ad hoc COI committee, there will be the university wide one. That frees up a huge number of faculty for other work.
  - Instead of no administrative help for each COI, there is help for the new COI committee.
  - Instead of applying only to faculty, it will apply to faculty, students, and staff.
  - Instead of researchers being under inconsistent standards depending on the 3 members and between COI committees, there is one uniform way COI management is administered.
  - There are new categories so that existing COI plans can cover new COIs instead of having to creating new plans.

## Attachment 6: Policy 151.1

Policy 151.1 Version 1 03/11/19

# Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.



*If the changes you are requesting include housekeeping, please submit those changes to [nds.scc@nds.edu](mailto:nds.scc@nds.edu) first so that a clean policy can be presented to the committees.*

### SECTION: 151.1:External Activities and Conflicts of Interest

7. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
- Is this a federal or state mandate?  Yes  XXNo
  - Describe change: The policy replaces the old version of 151.1. Most significant alteration is the creation of a standing University-wide conflict of interest committee – populated primarily of faculty – that will handle all conflict of interest falling under this policy. The process has also been streamlined to reduce the use of faculty, staff, and student resources, including service and time commitments.
  - Purchasing has their own policy, Section 400, (<https://www.ndsu.edu/fileadmin/policy/400.pdf>) the source of which is SBHE Section 803.1. And within NDSU Section 400, it indicates that our purchasing policies and procedures have to “incorporate (or refer to) SBHE Policy 611.4 relating to conflict of interest...”.
  -
8. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted - RCA and Dennis Cooley/ March 11, 2019
  - Email address of the person who should be contacted with revisions [dennis.cooley@nds.edu](mailto:dennis.cooley@nds.edu)

*This portion will be completed by Heather Higgins-Dochtermann.*

Note: Items routed as information by SCC will have date that policy was routed listed below.

9. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to [nds.scc@nds.edu](mailto:nds.scc@nds.edu). All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

# North Dakota State University

## Policy Manual

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### SECTION 151.1 EXTERNAL ACTIVITIES AND CONFLICTS OF INTEREST

SOURCE: SBHE Policy Manual, Section 611.4  
NDSU President  
NDSU Faculty Senate

#### 1. PHILOSOPHY AND NEED

North Dakota State University is committed to preserving and furthering ethical conduct, institutional integrity, and public confidence. North Dakota State University personnel engaged in University work shall act at all times in a manner consistent with their public responsibilities to the University and shall exercise particular care that no detriment to the University results from conflicts between their personal interests and the interests of the University. Such interests can threaten – or seem to threaten – the integrity of educational programs and research agendas, the free dissemination of scholarship, and the appropriate use of public resources for public benefit. Accordingly, University Members shall disclose all significant interests they may have and shall adhere to any conditions or restrictions imposed by the University to manage, eliminate, or reduce conflicts relating to those interests.

This policy outlines the obligations of University personnel to disclose personal interests that create potential conflicts of interest, including significant financial interests and immediate family relationships, and the responsibility of the University to review such information and take appropriate steps to manage, reduce, or eliminate related conflicts. Certain interests are inherent in the structure of the university enterprise, yet not inherently bad. It is not the intent of this policy to prohibit all activities in which investigators hold a significant interest, however, it is required that these interests be disclosed and that projects be conducted in a way that such interests do not compromise, or appear to compromise, an University Member's professional judgment.

#### 2. APPLICABILITY

This policy applies to all University Members, including employees and students in their various University roles. Sub-awardees and their personnel, and collaborators at other institutions (collectively 'Sub-Awardees') must either comply with this policy or document that their institutions or organizations are in compliance with USDHHS PHS rules. **If they cannot so certify, they will be subject to North Dakota State University's COI policy.**

#### 3. DEFINITIONS

3.1. A **Conflict of Interest** is a divergence between an individual's private interests and his or her professional obligations to the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. For example, situations in which personal considerations may compromise or appear to compromise a researcher's professional judgment in conducting or reporting research.

3.2. **Types** of Conflicts of Interest are:

1. **Commitment** – Commitment conflicts of interest arise when university members' involvements in outside activities substantially interfere with their primary commitments to the university: to teach, to

conduct research and to meet related institutional obligations.

2. **Financial** – Financial conflicts of interest arise when university members' involvements in outside business activities substantially interfere with their primary commitments to the university: to teach, to conduct research and to meet related institutional obligations.

3. **Personal** – Personal conflicts of interest arise when university members' involvements in personal activities or relationships may impair their ability to act impartially and substantially interfere with their primary commitments to the university: to teach, to conduct research and to meet related institutional obligations.

4. **Research** – Research conflicts of interest arise when university members' involvement with research substantially interfere with their other primary commitments to the university: to teach and to meet related institutional obligations.

3.3. **Family** refers to the University Member's spouse, domestic partner/significant other, child(ren), sibling(s), parent(s), or in-law(s).

3.4. **Investigator** refers to any person identified as Senior/Key personnel in a grant application, progress report, or other report submitted to an external sponsor, and others, regardless of title, who directs or can materially influence the research, or who is responsible for the design, conduct, and reporting of such research

3.5. **Student** refers to any NDSU graduate or undergraduate student over whom the University Member has supervisory authority.

3.6. **Significant Family Interest** means that a University Member's family member is in a position to benefit personally, directly or indirectly, from the family member's relationship with a person or entity conducting business with the University. Furthermore, Significant Financial Interest also includes situations where the University Member has the ability to appoint, employ, hire, assign, transfer, promote, evaluate, reward, discipline, demote, or terminate the family member, or cause others to act in such a manner.

3.7. **Significant Financial Interest** means anything of monetary value, including but not limited to salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options, or ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

3.7.1 Specifically excluded from the definition of Significant Financial Interest are:

1. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities.
2. Income from service on advisory committees or review panels for public or nonprofit entities.
3. Investments in mutual funds or retirement programs if the investigator has no practical control over the management of those investments.
4. Royalties paid by the University.
5. Regular salary, summer salary, or overload compensation paid by the University when the rate of compensation is set by the University. (Note: consulting fees or other forms of overload compensation paid by the University at rates other than that established by the University are not necessarily excluded from the definition of significant financial interest; see item 7 below.)

6. An equity interest that, when aggregated for the University Member and the University Member's family satisfy both of the following conditions: (a) does not exceed \$5,000 in value as determined through reference to public prices or other measures of fair market value, and (b) does not represent more than a 5% ownership interest in any single entity.
7. Overload salary, consulting fees, royalties or other payments that reasonably appear to be unrelated to the University Member's institutional responsibilities.

3.8. **Significant Personal Interest** means any significant commitment, financial, or research interest, and any significant family interest.

3.9. **University Member** is any employee or student.

#### 4. OBLIGATIONS TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST

By submitting a *Conflict of Interest Disclosure* form, each University Member must disclose for himself or herself, and for his or her family any significant personal, financial, commitment, and research conflict of interest.

Regardless of the above minimum requirement, a University Member in his or her best interest may choose to disclose other financial or related interests that could present, or be perceived to present, a conflict of interest.

Also, it is not possible to specify all the possible personal relationships or business arrangements which might result in conflicts of interest for University Members. In completing a Conflict of Interest Disclosure form, however, University Members are expected to follow the spirit of this Policy and disclose other significant personal interests that might be anticipated to threaten the same harm. For example, the financial interests of a parent, sibling, independent child, unmarried domestic partner, or a close associate may be perceived as grounds for the same kind of conflict of interest, and should be reported, if known. Similarly, the promise of future gifts, or the offer of a loan on advantageous terms not available to the general public, might represent a significant financial interest that should be disclosed.

For all PHS, NSF, or sponsors that follow the PHS guidelines, all Investigators will complete, no less frequently than annually, the Conflict of Interest Disclosure form for the duration of the funding. If applicable, the Investigator will submit the form with supporting documentation that specifies all business enterprises or entities involved and the nature and amount of each interest. All documentation must be submitted to Research Integrity; **this information must be received before a proposal will be submitted by Sponsored Programs.**

*In addition, each Investigator disclosing a significant financial interest shall describe such interest in the proposal narrative or in an attachment thereto, to make certain that the potential sponsor will be fully aware of the possibility of a conflict of interest situation before a final decision on the potential award is made.*

If grant funding is approved, a Conflict of Interest Management Plan will be required, if necessary.

To the extent allowed by law, Research Integrity will treat disclosures and supporting documents as confidential materials prepared for the University Conflict of Interest Committee.

## 5. Review of Disclosures

5.1. A standing University Conflict of Interest Committee (UCIC) shall be responsible for (a) reviewing significant interest and conflict disclosures and (b) developing, approving, and monitoring plans to manage or eliminate conflicts of interest.

5.2. A conflict of interest exists if a reasonable determination can be made that the potential conflict of interest could significantly affect the University Member's professional obligations to the University.

5.3. The Committee shall be comprised of the Vice President for Research and Creative Activity or designee (Chair), the Chair of the Faculty Senate's Research and Consulting Committee, one tenured faculty member from each College, appointed by their respective Deans to staggered, three-year terms, one member from the office of the Vice President of Finance and Administration or Technology Transfer, and one to three community members with relevant experience.

## 6. Updating Disclosures

All University Members are responsible for updating information on new conflicts when they arise, such that accurate and current information is on file with the University at all times. Prior to updating the disclosure with Research Integrity, the University Member should first consult with her or his supervisor. Updated disclosures must be submitted to Research Integrity within fourteen (14) business days of discovering such interests.

## 7. Reporting

The Vice President for Research and Creative Activity will report the actions of UCIC to the Provost and President. Sponsored Programs will also report the existence of conflicting interests, financial disclosures, and/or related Conflict of Interest Management Plans to the sponsor of the relevant project, if such reporting is required by the pertinent program regulations or guidelines.

## 8. Record Keeping

Research Integrity will be responsible for maintaining records related to all disclosures, associated reviews and actions (whether or not a disclosure resulted in a determination of a conflict of interest), reporting/updating information, etc.

## 9. Infringements

Infringements of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and termination of employment at or enrollment in the University. In addition, any NDSU employee who has received financial benefit from transactions in violation of this policy shall be liable for repayment (to the appropriate entity) of all financial benefits resulting from such violation. Compliance with this policy may also be enforced through the exercise of administrative oversight of funded research and management of NDSU facilities and other property. Such enforcement measures may include, but not be limited to:

### 1. Freezing funds or accounts.

2. Rescinding contracts entered in violation of this policy or state law, and
3. Bringing legal action for restitution to the appropriate entity or entities of the amount of financial benefit received by the NDSU employee as a result of the employee's violation of this policy.

## 1. PHILOSOPHY AND NEED

1.1 Beyond the traditional academic responsibilities of teaching, research, and service, and in response to the rapidly changing external realities, universities and their employees are increasingly involved in external activities\*, including economic development, technology transfer\*, consulting\*, and other types of public service.

1.2 North Dakota State University recognized the need, and actively encourages its employees, to participate in sponsored activities\* and external activities as an important component of its land grant mission. NDSU also recognizes that this may create conflicts of interest and/or commitment with the traditional academic responsibilities. An investigator's\* engagement in sponsored and external activities is subject to the principles that:

1.2.1 Full time employees (and part time employees that are over 50%) have as their primary responsibility their professional obligation to NDSU.

1.2.2 Employee conduct must conform to the highest standards of professional integrity and ethics, thereby avoiding even the appearance of impropriety.

\* These and other terms marked with an asterisk are defined in Section 12 – Definitions. See especially Conflict of Interest and Conflict of Commitment.

## 2. APPLICABILITY

2.1 This policy applies at all times to all full and part-time NDSU employees.  
(Exceptions to the application of this policy should be negotiated with the administrative head, appropriate Vice Presidents, and the Provost/VPAA at the time of hire.)

## 3. GUIDING PRINCIPLES AND MAJOR CONSIDERATIONS: INSTITUTIONAL

3.1 Institutional Approval. Institutional approval must be obtained prior to engaging in any external activity in which there is a potential or actual conflict. Full-time NDSU employees owe their primary loyalty and professional commitment to the institution during the terms of their employment. They must not neglect their university responsibilities to seek financial interest or advantage for themselves, their immediate families, their close associates, or a business over which they or their families have a direct or indirect financial interest. Any commitment of time and effort to serve another institution, agency, or industrial organization other than NDSU, therefore, should be made only after satisfying an employee's primary commitment to NDSU and after appropriate disclosure and approvals.

3.1.1 Where potential for conflict exists, it must be disclosed, analyzed and dealt with immediately and directly. Although not all conflicts can be prevented or avoided,

failure to disclose, properly supervise, or manage an identified conflict will constitute a violation.

~~3.1.2 Conflict of interest is categorized as~~

~~3.1.2.1 Clearly allowable;~~

~~3.1.2.2 Allowable after disclosure, review, approval and oversight;~~

~~3.1.2.3 Not allowable or prohibited.~~

~~3.1.3 Upon receipt of the disclosure, the process should be completed within 20 working days unless there are circumstances which can be documented to indicate reasons for exceeding this 20 working day period.~~

~~3.2 Institutional Encouragement. When a relationship enhances the professional skills of NDSU employees or constitutes public service, interactions involving service, consulting, and research activities between institutional employees and external entities for reasonable periods of time and for personal remuneration are acceptable and encouraged. (The reasonableness of time allowable will vary among individuals, discipline, activity, and will be affected by specific departmental or unit needs.)~~

~~3.3 Institutional Benefit. Participation by NDSU employees in the activities that serve the interests of NDSU is encouraged, where such participation affords experience and exposure to the individual, and accrues standing to NDSU. Donation of professional services to external organizations and professional societies, and serving as officers of such societies for reasonable periods of time without substantial allocation of NDSU resources is encouraged.~~

~~3.4 Institutional Resources. Subject to law and policy, NDSU permits some use of its facilities, space, equipment, or support staff for external activities. If a substantial allocation of NDSU resources is required to support an external activity, there must be a prior written financial arrangement that has been agreed upon that adequately compensates NDSU for their use.~~

~~3.5 Confidentiality of Disclosure Information. NDSU will assure the confidentiality of individual disclosure information to the extent possible under applicable state and federal requirements and/or the North Dakota Open Records Act. Whenever requests for such information are requested by any external entity, the individual will be notified.~~

#### **4. GUIDING PRINCIPLES AND MAJOR CONSIDERATIONS: EMPLOYEE**

~~4.1 Employee Disclosure. As a public institution, NDSU must possess sufficient information and control to discharge its obligations of public accountability and responsibility. NDSU employees have the responsibility to report promptly and in sufficient detail, all activities that may involve actual or potential conflicts. Regular, timely, and full disclosure is a key element in this policy and is necessary to identify, resolve, or manage any actual or potential~~



conflict of interest situation. The requirement of disclosure cannot be waived by any university employee.

**4.2 Employee Obligations & Representations.** When arranging relationships with external agencies, NDSU employees are expected to make known their NDSU obligations. Where appropriate, they should provide copies of relevant NDSU policies to their contracted entities and inform the external agencies that their work is contracted in their individual capacity and does not in any way represent NDSU. Listing of an employee's institutional affiliation in public or commercial documents needs to comply with Policies 152—External Professional Activities and 700.1—Use of University Name.

**4.3 Academic Freedom.** Subject to University policies and requirements, NDSU employees are free to choose the subject matter and strategies of their individual teaching and research activities on the basis of scientific or scholarly criteria, insofar as they are unencumbered by external commitments.

**4.4 Freedom to Publish.** Subject to limited delays to permit filing of document(s) to protect intellectual property<sup>2</sup> or findings as in a patent application, or to allow a third party to review documents to protect confidential information pursuant to sponsored program agreements or contracts, NDSU will vigorously ensure its employees' free and open dissemination of information including the right to publish.  
(See also NDSU Policy regarding Classified Research, Policy 344)

**4.5 Accountability for Review.** NDSU expects that responsible individuals will exercise their duty and responsibility, at all levels of review and action, to evaluate carefully all potential conflict situations disclosed or known to them before acting to approve or disapprove the same.

**4.6 Time Commitment.** NDSU will allow an average of up to one day per week (40 days for academic year and 52 days for calendar year appointments) within the contract period for acceptable and approved external professional activities (Policy 152). This released time, subject to unit needs, is not an automatic entitlement but is approved at the administrative head's discretion. Such released time is not available for:

4.6.1—Activities or businesses that are purely personal in nature.

4.6.2—Activities that are neither related nor contribute to the advancement of the employee's professional skills.

4.6.3—Activities, which do not provide an opportunity for professional growth.

## 5. SPECIFIC RESPONSIBILITIES

5.1 NDSU employees are required and expected to take the initiative to report promptly and in detail to the administrative head of their units, for prior written approval, all activities or situations which may involve, or appear to involve, a conflict of commitment, a conflict of

interest, or an incompatible obligation\* or commitment, and to respond to inquiries from the administrative head in connection with any such report. The mere existence of a conflict, real or potential, however, will not necessarily preclude a particular activity.  
(See also NDSU Policies ~~151—Code of Conduct and 152—External Professional Activities.~~)

~~5.2 Administrative heads of units\* have the duty and responsibility to evaluate carefully all potential conflict situations reported or known to them before acting to approve or disapprove the same. As a public institution, NDSU is expected to possess sufficient information and control to discharge its obligations of public accountability.~~

~~5.2.1 In a specific conflict situation, it may be appropriate for the administrative head to inquire into a number of factors, including:~~

~~5.2.1.1 The extent of time commitment to external entities by academic staff member from consulting activities;~~

~~5.2.1.2 The extent of financial or other interest the academic staff member or staff member's family have in external entities;~~

~~5.2.1.3 The extent to which such financial or other interests may influence or affect the entities' general policy or specific decision.~~

~~5.2.2 Careful scrutiny is called for when:~~

~~5.2.2.1 The employee's acquisition of financial interests or assumptions of external executive or administrative responsibilities appear to be in conflict with the employee's duties and obligations to NDSU;~~

~~5.2.2.2 Activities may influence research or business decisions in ways that could lead to the employee's direct or indirect personal financial gain, or give improper advantage to the employee's immediate family, associates, or others.~~

~~5.2.3 In such circumstances, if the proposed activities are to be approved, appropriate control mechanisms must be established and reduced to writing, and be subject to continuous review and monitoring. Such monitoring may include, among other requirements appropriate to the circumstances, higher administrative level review of expenditures (including those for travel), periodic detailed reviews of programmatic objectives and/or progress, removal of the affected employee from decision making authority, granting a leave of absence without pay when the external commitment is inappropriate to the employee's University duties or responsibilities.~~

~~5.2.4 Provision might be made for consulting authorization request approval process, whereby if the duration of the activity is longer than one year, or is indefinite, indeterminate, occasional or ongoing for a period longer than one year, for the authorization to be renewed annually through electronic correspondence,~~

provided there are no material changes to the original activity. Substantial changes to the activity would require formal reauthorization.

5.3 Research agreements with external sponsors must maintain basic academic values and must not promote a secrecy that will harm the development of knowledge, impair the educational experience of students or postdoctoral fellows, diminish the role of NDSU as a credible and impartial resource, interfere with the choice by employees of the scientific or scholarly subjects they pursue, or divert an employee's energies or NDSU resources from primary educational and research missions.

5.4 Those situations are to be avoided or remedied in which academic staff members, through use of their University positions or by their conduct, may be tempted to disregard the interests of the University and its students, or to dilute or divert their attention from their NDSU responsibilities in order to seek direct or indirect advantage for themselves, their families, or close associates, or exert sufficient influence over a business to be able to affect its general policy or specific decision.

## 6. DISCLOSURE

6.1 The policy on disclosure is the key mechanism to identify potential conflict(s) of interest and commitment for further evaluation, oversight, and remediation. Usually, and most importantly, this will involve financial disclosure\*. For situations subject to review and approval, an NDSU employee shall submit a request in writing, explaining all pertinent circumstances, to the administrative head of the unit in which he or she is employed. Items that need consideration in the written request may include:

6.1.1 Listing any consulting relationship, managerial role, or a significant financial interest\* in a company that does business with the University;

6.1.2 Disclosing a company that is involved with, or sponsors activities, related to the field of research and/or service;

6.1.3 Listing any non-University income-producing activities that involve NDSU students or other staff.

6.1.4 Employees of NDSU authorized (including delegated authority) by NDSU Policy 7.1.2 to enter into contracts on behalf of the University must sign the North Dakota State University Conflict of Interest Disclosure Statement. All other employees will be provided notice about this Policy but need only sign the statement if they have a conflict. Notices and collection of statements shall be administered by the Purchasing Office.

6.2 If an actual or potential conflict of interest is not believed to exist, the reviewing authority will complete the Administrative Review Form. One copy each will be returned to the individual submitting the form, forwarded to the respective Vice President, and retained on

file with the Administrative Head. The action requested may be approved, provided it is in compliance with all other University policies and procedures.

6.3 If an actual or potential conflict of interest is determined to exist, there are three options. These include:

6.3.1 Permitting the requested action or activity.

6.3.2 Attaching conditions to the approval.

6.3.3 Prohibiting the activity.

6.4 If the administrative head believes that an actual or potential conflict of interest situation exists, he or she shall refer the matter to the appropriate Vice President. The Vice President shall exercise his or her authority to approve, disapprove, or approve with conditions any actual or potential conflict of interest, or refer the matter to the Conflict of Interest Advisory Committee (CIAC; see Section 9) for recommendation. Where special arrangements to accommodate an actual or potential conflict of interest are desired, they shall be reduced in writing, on the basis of which the Vice President may appoint an individual to monitor the approved arrangement.

6.5 The Vice President shall indicate his or her decision on the Administrative Review Form, a copy each of which will be forwarded to the individual submitting the request, the initial reviewing authority, and filed with the office of the Vice President.

6.6 Upon receipt of the disclosure, the process should be completed within 20 working days unless circumstances which can be documented, in writing, to indicate reasons for exceeding this 20 working day period.

## 7. CONFLICTS INVOLVING ADMINISTRATORS

7.1 In the case of potential conflicts of interest and/or commitment involving administrators at the level of dean, director, or higher, initial disclosure shall be made with the appropriate Vice President, who shall then make a recommendation consistent with policy, and who may exercise the option to make the final decision. Disclosures for Vice Presidents shall be filed with the President, who shall have the final approval authority, but who may also consult with CIAC for its recommendation.

## 8. UNIVERSITY REVIEW OF SPONSORED ACTIVITIES

8.1 Any sponsored program agreement between the University and external sponsor(s) must be authorized in advanced through established University review procedures to ensure conformity of the proposed activity to the academic, administrative, fiscal, space utilization, and other policies of the University. In addition, such an agreement must not conflict with the rights of other University scholars, with other University commitments, or with the basic academic values of the institution.

## ~~9. REVIEWS AND APPEALS~~

~~9.1A Conflict of Interest Advisory Committee (CIAC) shall be established, comprised of five members recommended by the Faculty Senate Executive Committee and appointed by the President of the Faculty Senate. The Committee shall serve as an advisory body to the University administration on conflict of interest issues, and shall also hear appeals of decisions in conflict of interest cases.~~

~~9.2 If an activity is subject to restrictions or prohibited, the employee concerned may request a hearing by the CIAC. After the written request is received by the President of the Faculty Senate, the CIAC should meet with the appellant within 15 working days. If a member of the CIAC has any personal or working relationship with the appellant, that member should recuse him or herself and be replaced by another member appointed by the President of the Faculty Senate. More than one meeting may be scheduled to decide the case, if necessary.~~

~~9.3 The appellant has the right to call any witnesses and produce any evidence that could bear on a recommendation to allow the activity, as well as to have an advisor accompany him/her to any committee deliberations. The committee, however, will come to its conclusions and write its final recommendations in private. The recommendation to either uphold or change the original decision shall be sent to the appropriate Vice President. If the committee finds that the original decision should be upheld, then a final appeal may be made to the President of the University. If the recommendation is to change the original decision, the Vice President shall take appropriate action as he or she deems fit. All records of the proceedings shall be maintained on file in the office of the appropriate Vice President for three years. A copy of the final recommendations shall be provided to the appellant.~~

## ~~10. VIOLATIONS~~

~~10.1 Violation of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and termination of employment at the University. In addition, any NDSU employee who has received financial benefit from transactions in violation of this policy shall be liable for repayment (to the appropriate entity) of all financial benefits resulting from such violation. Compliance with this policy may also be enforced through the exercise of administrative oversight of funded research and management of NDSU facilities and other property. Such enforcement measures may include, but not be limited to:~~

~~10.1.1 Freezing research funds or accounts.~~

~~10.1.2 Rescinding contracts entered in violation of this policy or state law.~~

~~10.1.3 Bringing legal action for restitution to the appropriate entity or entities of the amount of financial benefit received by the NDSU employee as a result of the employee's violation of this policy.~~

## ~~11. EXAMPLES OF CONFLICT OF INTEREST SITUATIONS~~

~~11.1— Conflict of Interest situations are not always easy to identify. This section categorizes and identifies activities that have differing potentials for presenting a risk. The list below represents examples of possible conflict situations that may be of some concern and is not meant to be exhaustive. Each situation, therefore, calls for an analysis of the potential benefits and risks. The administrative head or the CIAC must decide if the benefit is worth the risk.~~

~~11.2— Potential conflict situations/activities may also be categorized as:~~

~~11.2.1 Adverse effects on educational programs;~~

~~11.2.2 Bias/subversion of research agendas;~~

~~11.2.3 Unreasonable impairment of the flow of information/knowledge~~

~~11.2.4 Misuse of NDSU resources and facilities for private gain; and~~

~~11.2.5 Theft and/or misuse of NDSU intellectual property.~~

~~11.3— Potential conflict situations/activities may also be categorized as:~~

~~11.3.1 Clearly allowable;~~

~~11.3.2 Allowable after disclosure, review, approval and oversight;~~

~~11.3.3 Not allowable or prohibited.~~

~~11.4— Activities that are clearly allowable:~~

~~11.4.1 Activities in this category have very low potential for conflict of interest. Participation does not require disclosure and is allowable if it is consistent with other NDSU policies such as those regarding time commitment and employee's ability to meet job obligations. Examples of such activities include, but are not exclusive to:~~

~~11.4.1.1— Acceptance of royalties and honoraria for published scholarly works and intellectual property (if disclosed to and managed by NDSU or the NDSU Research Foundation), occasional lectures, commissioned papers, and creative works;~~

~~11.4.1.2— Acceptance of honoraria or payment for service as a special reviewer or service on a review panel for academic, government, and not for-profit entities;~~

~~11.4.1.3— Acceptance of royalties under NDSU or another academic institution's royalty policies insofar as the employee does not have any other relationship with the royalty granting entities.~~

*(See NDSU Policies [323](#), [323.3.1](#) and [152.4.3](#) for exceptions and exclusions to receiving honoraria and royalties.)*

~~11.4.2~~ — In such cases, the use of NDSU property or facilities is acceptable, if the use of such property or facilities has a legitimate relationship to the University employee's responsibilities, provided such use is not significant. No disclosure or approval is required in these situations by this policy, although individual administrative units may have their own approval or scheduling procedures. Examples include using institutional resources to author a book, host a meeting, conduct research related to one's disciplinary field(s), or to serve a professional organization as an officer.

~~11.4.3~~ — In such cases, it is acceptable to utilize institutional employees (e.g., research assistants, secretaries, work study students) to provide assistance, provided the work activity is in keeping with the responsibilities of both parties, does not interfere with the performance of their primary activities, and does not result in significant additional costs to the University. This policy does not require any disclosure, other than intellectual property disclosures as required by policy, or approval process, although individual administrative units may require reporting and approval.

~~11.4.4~~ — In such cases, it is acceptable for employees to acknowledge an affiliation with NDSU, provided this identification is accurate, is not used as part of any endorsement or promotional activities for business or personal gain, and is in keeping with the actual roles and responsibilities at the University ([Policy 700.1](#)). University personnel may use University stationery for activities that are related to their assigned University responsibilities. Such identification does not imply, however, that the employee is acting in anything other than in his or her individual capacity.

~~11.5~~ — Activities that may be allowable after disclosure, review, oversight and approval:

~~11.5.1~~ Activities in this category have minimal to moderate potential for conflict of interest. These activities may be allowable after disclosure and appropriate review, provided prior administrative approval is obtained. Where appropriate or necessary, conditions or provisions for oversight may be imposed. Examples of such activities include, but are not limited to:

~~11.5.1.1~~ — Any ownership or majority control in a commercial enterprise that conducts activities closely related to the employee's area of academic work;

~~11.5.1.2~~ — Holding an executive position in a commercial (private or public) enterprise or participation in the day-to-day operation of an enterprise directly related to one's University responsibilities;

11.5.1.3 — Assuming a "key" continuing consulting role in an enterprise (including serving as a director of a company);

11.5.1.4 — Consulting for additional compensation (e.g., providing services to individuals or firms, presenting educational programs sponsored by private firms or independently by faculty members) through approval (see Policy 152, External Professional Activities);

11.5.1.5 — Situations in which the time or creative energy devoted to external activities appear substantial enough so as to compromise the amount or quality of the employee's participation in the instructional, scholarly, or administrative work of the University;

11.5.1.6 — Situations in which a faculty member directs students in a research area from which the faculty member may realize a financial gain, thereby diminishing the faculty member's ability to render objective, independent judgment on the student's efforts.

11.5.1.7 — Conducting research for any commercial entity.

11.5.2 In such cases, approval is required for use of University resources and facilities that lie outside usual work responsibilities that result in clearly identifiable additional costs to the University. Approval of such situations will generally be conditioned on reimbursement of costs. The executive head of the administrative unit in which the activity occurs must approve the exceptions to the requirement for reimbursement. Examples include writing a book for outside compensation, hosting a conference, giving private lessons, performing research utilizing University research instruments for an external entity, or serving as an editor for a journal.

11.5.3 In such cases where an activity will personally benefit the recipient approval is required for the use of services of other University employees. If the costs are more than trivial, approval shall only be granted if the requested services are in keeping with the usual University activities of both employees, and the activity is in keeping with the mission of the University.

11.5.4 Approval must be granted for student involvement in research activities that have the potential to substantially benefit a business entity in which a University employee has a significant financial interest.

11.5.5 Restrictions on publication rights that may adversely impact the fulfillment of degree requirements are permitted only to the extent reasonably necessary to obtain protection of intellectual property rights if they do not prevent publication of student research in a timely manner. In such instances, the student must be informed of the limitations prior to commencing the work and must agree in writing to those limitations.



~~11.6 — Activities that are clearly prohibited:~~

~~11.6.1 Activities in this category pose such serious conflicts with University policy and such high potential for abuse that they cannot be allowed under any circumstances, and are subject to disciplinary action in accordance with NDSU Policies and Procedures. Examples include, but are not limited to:~~

~~11.6.1.1 — Any circumstances in which a substantial body of research or services that could and ordinarily would be carried on within the University are conducted elsewhere to the detriment of the University and its legitimate interests;~~

~~11.6.1.2 — Any activity outside the purview of the University:~~

~~11.6.1.2.1 — Involves or appears to involve the University significantly through the use of its resources, facilities, or the participation of academic colleagues, students, and staff, except in those cases where prior approval has been granted;~~

~~11.6.1.2.2 — Involves the use of the University's name or implied endorsement; or,~~

~~11.6.1.2.3 — Violates any of the principles set forth in the University Research Policy (805) (for example, giving the outside organization the right to censor or prohibit publication rights for research, any part of which is performed under University auspices);~~

~~11.6.1.3 — Any use for personal profit, unpublished information or data emanating from sponsored agreements or confidential University sources, or assisting an outside organization by giving it exclusive access to such information.~~

~~11.6.1.4 — Consulting with outside organizations that impose obligations upon the faculty member or the University that conflict with the faculty member's or University Intellectual Property Policy or with the University's obligations under sponsored activity.~~

~~11.6.1.5 — Any use of the University's name in connection with private activities in a manner that inappropriately suggests that the University endorses, sponsors, promotes, advertises, or approves the activities or views of the faculty or staff member.~~

~~11.6.1.6 — Any evaluation of junior faculty, staff, or students based on participation in (or refusal to participate in) outside activities involving business entities in which the evaluating faculty member has a significant financial interest.~~

- ~~11.6.1.7~~ — Any assignment of students to research and/or creative activities that involve secrecy or confidentiality requirements beyond best institutional practice.
- ~~11.6.1.8~~ — Any use of uncompensated student labor for research or creative activity outside of the University that will result in personal gain for the supervising University employee.
- ~~11.6.1.9~~ — Any use of the services of University employees for personal gain such as answering telephones for a private business, typing reports, or conducting research activities or accepting personal compensation for work performed by University employees for external activities.
- ~~11.6.1.10~~ — Any conduct of library research by librarians on a product/technology for personal gain or any use of University facilities or resources for personal financial gain or conducting a private business and using University supplies for non-university activities.
- ~~11.6.1.11~~ — Any use of University employees and students, on University time and without reimbursement, for work motivated primarily by commercial concerns or intended to benefit a business entity in which the University employee has significant financial interest;
- ~~11.6.1.12~~ — Any soliciting or receiving, either by the University employee or a member of his or her immediate family, a gift, compensation, loan of money, or a non-pecuniary gift, the value of which exceeds the amount permitted by state law; any soliciting or receiving of remuneration from a person or business entity that is an actual or potential provider of goods or services to the University, in connection with any transaction between the University and any persons or business entity, or under circumstances where it would tend to influence the University employee's performance of his or her University duties;
- ~~11.6.1.13~~ — Any use of university resources (databases, subscriptions, tools, software, etc.) for personal gain or for the gain of a business in which the employee has an interest, except in those cases where prior approval has been granted.

## **12. DEFINITIONS**

~~12.1~~ — Administrative Head of a Unit is defined as a Department Chair or Head, Dean, Director, Vice-President, President or equivalent officer who has primary authority for administering an administrative unit.

*(In case a conflict exists for an administrative head of a unit, the matter shall be referred to the next level of administrative authority in the normal reporting lines.)*

~~12.2—Conflicts of Commitment primarily relate to the employee's distribution of effort between obligations to an academic appointment and commitments to external activities. Conflicts of commitment may also occur or exist when professionally related external activities of the employee are so substantial or demanding of the employee's time and attention as to interfere or appear to interfere with the employee's responsibilities to NDSU, to his/her work unit, or to students.~~

~~12.3—Conflict of Interest is said to occur or exist when:~~

~~12.3.1 An NDSU employee is involved in an activity, commitment, or interest that may adversely affect, compromise, or otherwise be incompatible with the obligations that the employee has to NDSU; or,~~

~~12.3.2 The University is influenced in such a way as to lead to improper financial gain for either the University, its employee, the employee's immediate family\* or for others; or,~~

~~12.3.3 The employee's involvement in and/or commitment to external activities interferes with the employee's primary obligations to his or her students, colleagues, and the institutional mission.~~

~~12.4—Consulting is defined as a professional activity related to the University employee's academic field or discipline that involves a fee for service or equivalent relationship with a third party (See [Policy 152](#)).~~

~~12.5—External Activities are define as activities (e.g., consulting) in which an outside organization or entity provides remuneration directly to the faculty member who, in turn, provides a service directly to the entity. There is no direct university involvement except the employment of the faculty/staff member.~~

~~12.6—Financial Disclosure is defined as the formal filing of information with a designated NDSU administrator, disclosing any direct and indirect financial interests that the employee, or spouse, or any dependent(s) has in the sponsor of a sponsored activity for which the person filing the disclosure is serving or will serve as an investigator.~~

~~12.7—Immediate Family is defined as the spouse, parents, siblings, and children (see also *under Investigator*).~~

~~12.8—Incompatible Obligation is defined as any agreement:~~

~~12.8.1 Between an NDSU employee and an external entity which is incompatible with the employee's obligations to NDSU;~~

~~12.8.2 Which unduly restricts or impairs the employee's ability to perform research or other activities at NDSU;~~

~~12.8.3 Which results in the transfer or compromise of existing or potential NDSU rights in intellectual property; or,~~

~~12.8.4 Which utilizes NDSU resources without prior written approval of the appropriate University official or designee.~~

~~12.9 Intellectual Property is defined as any ideas, inventions, technology, biological organisms, software, creative expression (and derivatives thereof), in which a proprietary interest may be claimed including, but not limited to, patents, patent applications, plant variety protection, copyrights, trademarks, data sets, know-how, show-how, and biological materials. (See Policy 190.)~~

~~12.10 Investigator is defined as the principal investigator, co-investigator, and any other person at the institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by an external sponsor. (As it relates to financial interests, "Investigator" also includes the investigator's immediate family.)~~

~~12.11 Significant Financial Interest is defined as:~~

~~12.11.1 Anything of monetary value, including, but not limited to, salary or other payment for services (e.g., consulting fees or honoraria);~~

~~12.11.2 Equity interests (e.g., stocks, stock options, or other ownership interests);~~

~~12.11.3 Intellectual property rights (e.g., copyrights, trademarks, patents, PVP, and royalties for such rights).~~

~~12.11.4 The term does not include:~~

~~12.11.4.1 Salary, royalties, or other remuneration from North Dakota State University or the NDSU Research Foundation, if such payments have not originated with the sponsoring agency;~~

~~12.11.4.2 Income for seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;~~

~~12.11.4.3 Income from service on advisory committees or review panels for public or nonprofit entities; or,~~

~~12.11.4.4 Financial interest in business enterprises or entities if the value of such interests (industry equity interest, salary, fees, or other continuing payments) does not exceed \$10,000 per annum or represents more than 5% ownership interest for any one enterprise or entity when aggregated for the investigator, the investigator's spouse, and children.~~

~~12.12 Sponsored Activity is defined as research, training, instruction, construction, and service projects involving funds, materials, or other compensation from outside sources (sponsor) under agreements that contain any of the following:~~

~~12.12.1 — The agreement binds NDSU to a line of scholarly or scientific inquiry or service that is specified to a substantial level of detail;~~

~~12.12.2 — A line item budget is involved which details expenses by activity, function, or project period.  
(The designation of overhead [indirect costs] qualifies for inclusion in a budget as "line item.")~~

~~12.12.3 — Financial reports are required, as also progress, technical, and other reports as appropriate;~~

~~12.12.4 — The award is subject to external audit;~~

~~12.12.5 — Unexpended funds must be returned to the sponsor at the conclusion of the agreement;~~

~~12.12.6 — The agreement provides for the disposition of either tangible (buildings, equipment, records, technical reports, theses, or dissertations) or intangible (rights in data, software copyrights, or inventions), or patent, patent applications, or other intellectual property that may result from activity.~~

~~12.13 Technology Transfer is defined as (and includes) any license, assignment, or conveyance of any legal or equitable interest in intellectual property that is owned by NDSU, or the NDSU Research Foundation, including but not limited to, the right to make, market, copy, sell, or use such property in any way.~~

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HISTORY:

New December 2007  
Amended January 2008  
Housekeeping August 2009  
Housekeeping February 14, 2011  
Housekeeping November 8, 2011

## Attachment 7: Policy 152

Policy 152 Version 1 03/08/19

### Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.



*If the changes you are requesting include housekeeping, please submit those changes to [nds.scc@nds.edu](mailto:nds.scc@nds.edu) first so that a clean policy can be presented to the committees.*

**SECTION:** 152:External Professional Activities

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

- Is this a federal or state mandate?  Yes  XXNo
- Describe change: The policy has been streamlined and altered to make it consistent with 151.1 and 151

11. This policy change was originated by (individual, office or committee/organization):

- Office/Department/Name and the date submitted - RCA and Dennis Cooley/ March 8, 2019
- Email address of the person who should be contacted with revisions [dennis.cooley@nds.edu](mailto:dennis.cooley@nds.edu)

*This portion will be completed by Heather Higgins-Dochtermann.*

Note: Items routed as information by SCC will have date that policy was routed listed below.

12. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to [nds.scc@nds.edu](mailto:nds.scc@nds.edu). All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

# North Dakota State University

## Policy Manual

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### SECTION 152

#### EXTERNAL PROFESSIONAL ACTIVITIES

*SOURCE: NDSU President  
NDSU Faculty Senate*

##### 1. INTENT

1.1 North Dakota State University, within stated guidelines, encourages employees to participate in professional activities providing information, advice, or services to those outside of the University as a means of gaining additional professional experience and maintaining professional competency within their specialized disciplines. Participation in external professional activities is expected to contribute to the mission of the University.

1.2 Acceptance of full-time employment at NDSU carries a commitment to the University that is understood to be full-time in the most inclusive sense. Full-time faculty and staff ("Employees") are expected to devote their primary loyalty and energy toward meeting their instructional, research, service, and administrative duties. External activities and financial interests must not interfere with the expected primacy of these commitments, nor present a conflict-of-interest to the University, nor create a public relations problem for the University. Prior to accepting appointments, engaging in a business, or otherwise diverting their attention from university duties, employees must make disclosure of the activity and, if appropriate, obtain approval.

1.3 Approval to participate in external professional activities does not permit use of the University's name in any announcement, advertisement, publication, or report if it implies University endorsement of a product or service. The University does not assume any responsibility for the professional services rendered during an external professional activity.

1.4 By participating in external activities, an employee creates a greater potential for a conflict of interest. Employees need to be thoughtful and deliberate about analyzing their proposed external activities for potential conflicts of interest. When evaluating external activities, employees and their supervisors must ensure compliance with Policy 151.1.

##### 2. PROFESSIONAL SERVICE WITHOUT REMUNERATION

2.1 Employees of NDSU are often asked to participate in professional, discipline-related activities, such as officers of national organizations, journal editors, editorial boards, etc. Such participation is viewed as desirable, and University approval to engage in these activities is necessary only if substantial use of University facilities or resources will be needed for support of these activities.

### 3. EXPERT TESTIMONY

3.1 Because of their unique expertise, faculty or staff may be asked to serve as expert witnesses in a court of law. Because of the nature of the legal process, such activity may place the University employee in an unintentional adversarial position.

3.2 Therefore, University employees are encouraged to appear as "juris amici" (friend-of-the-court) instead of as expert witnesses representing one party. If a University employee serves as an expert witness for compensation, the University Consulting Form must be completed and approved, and the consulting guidelines apply [\(see Section 5 below\)](#).

### 4. PROFESSIONAL SERVICE WITH REMUNERATION (HONORARIA)

4.1 University employees are encouraged to provide public service by making presentations to various groups and organizations or serving on proposal review committees. Often the employee may be given an honorarium in appreciation of such service.

4.2 An honorarium is defined as a monetary gift which is meant to express appreciation or honor to the recipient which is not covered under the consulting policies.

4.3 [Provided there is no prohibitive conflict of interest pursuant to Policy 151.1, eF](#)employees can accept honoraria from non-NDSU or non-State (North Dakota) related entities. Unless [Section 5 below the consulting policy](#) applies, employees shall regard the services for other departments within the University or for other state agencies or entities for which they might receive honoraria as part of their public service obligation and refuse or return such honoraria.

### 5. PROFESSIONAL SERVICE WITH REMUNERATION (CONSULTING)

5.1 Employees of NDSU are often requested to provide professional expertise as consultants to private agencies, governmental (state and national) agencies, industries, or individuals for which they receive remuneration or retainer fees. In general, the following policies must be followed when participating in consulting activities. For purposes of this policy, teaching a course or teaching a substantial portion of a course for another educational institution or other business or organization shall

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be treated as consulting and governed by this policy. This policy applies to both teaching in person or by means of an electronic communication.

5.1.1 Consulting by employees in areas related to their academic discipline may be performed only after prior approval by the line of administration through the appropriate Vice President. For example, faculty need the approval of the chair, dean, and Provost. In addition, those faculty with a major Experiment Station or Extension Service appointment also need the approval of the appropriate Director and the Vice President for Agriculture and University Extension. Employees with full-time Agricultural Experiment Station positions (e.g., branch stations) or full-time, off campus Extension appointments, approvals are required from the appropriate Director and Vice President for Agriculture and University Extension. Staff would need the approval of the appropriate Vice President. Vice Presidents and members of the President's staff require the approval of the President. Decisions for such approval will depend upon the nature of the employment responsibility to the University and the conditions of employment. Approval may only be granted for periods up to the maximum of one year. Approval must be sought each year if any activity extends beyond the one year maximum.

5.1.1.1 Any consulting agreement which attempts to assign ownership rights in intellectual property or provides that the ownership rights will belong to a third party and which arise in an area related to the employee's academic discipline or work at the University must be submitted for review and approval by the University. The reason is to protect the interests of the University in any employee invention or other discovery. Unless otherwise expressly authorized, employees have no authority to assign any ownership rights in any invention or discovery which may arise out of or relate to their work at the University or the use of any University property or equipment.

5.1.2 The consulting activity must not interfere with normal duties or activities.

5.1.3 The consulting activity must not represent an actual or potential conflict-of-interest.

5.1.3.1 ~~If there is an actual or potential conflict of interest, the employee must comply with Policy 151.1, if so, it must be resolved before engaging in the consulting activity.~~

5.1.4 The consulting activity must not compete directly with University sponsored services.

Because of the land grant mission, fees should not be charged for consulting with North Dakota clients when the same services are provided by a defined program or staff function at NDSU.

5.1.5 The time limit on the consulting activity is limited to the equivalent of one day per week, during the contract period at NDSU, and consulting should not be performed on a regular,

ongoing basis. In addition,

5.1.5.1 individuals should keep a record of time spent consulting;

5.1.5.2 travel time, office visits, correspondence, telephone calls, and other on campus consultation related activities are included in the time committed to consulting;

5.1.5.3 consulting conducted outside the regular work week is not counted as part of consulting time; however, the same policies and procedures for disclosures and approval apply;

5.1.5.4 the consulting activity should not require an absence from campus longer than 10 consecutive working days without special approval.

5.1.6 Consultants must make clear that they are not representing the University or that the name and authority of University are in no way connected with service rendered, and that reports cannot be made on University stationery.

5.1.7 Travel Authorization forms must be filed as necessary.

5.1.8 Special approval must be obtained in advance for the use of University facilities and resources which may require payment of a reasonable fee, and the individual is responsible for payment of these fees. If University facilities or equipment is used, proof of professional liability insurance coverage for consulting activities may be required.

5.2 Grievances for matters involving this policy shall follow the appropriate grievance procedure (faculty, policy 353; staff, policy 230).

5.3 Approval for consulting or other external activities may be revoked if unforeseen problems occur after the initial approval. The revocation of approval may be appealed in the same manner as a denial.

5.4 Failure to follow this policy will be reported to the President who may impose sanctions that are appropriate to the seriousness of the violation.

## **6. RESPONSIBILITIES**

### **6.1 Individual**

6.1.1 obtain prior approval, completing Consulting Authorization Request form prior to initiation of consulting activity;

6.1.2 ensure that activity does not conflict with primary responsibilities;

6.1.3 ensure activity does not pose an actual or potential conflict-of-interest [and complies with Policy 151.1](#);

6.1.4 maintain appropriate records of consulting activities;

6.1.5 do not use College or University endorsement;

6.1.6 secure advance approval to use University equipment, and make any necessary payments;

6.2 Department Chair, Director

6.2.1 evaluate all requests for interference with normal duties or conflicts-of- interest;

6.2.2 identify and resolve any actual or potential conflicts-of-interest [and ensures that the employee complies with policy 151.1](#);

6.2.3 review requests to determine that they meet policies of University;

6.2.4 forward recommendation to Dean;

6.2.5 ensure activities are reviewed annually.

6.3 Dean, Director

6.3.1 review recommendation from Chair;

6.3.2 review any special circumstances;

6.3.3 forward recommendation to the appropriate Vice President.

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HISTORY:

New	September 1995
Amended	November 1997
Amended	February 1998
Amended	September, 1995
Amended	October 2000
Amended	October 2003
Amended	October 2007
Amended	January 2008
Housekeeping	February 14, 2011
Amended	November 29, 2015

## Attachment 8: Policy 336

Policy 336 Version *1, April 4, 2019*

### Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed; if not, it will be sent back to you for completion.



*If the changes you are requesting include housekeeping, please submit those changes to [ndsuscc@ndsus.edu](mailto:ndsuscc@ndsus.edu) first so that a clean policy can be presented to the committees.*

**SECTION:** Section, 336, Examinations and Grading, Dead Week Policy

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

- Is this a federal or state mandate?  Yes  No

Describe change: The dismissal of the Dead Week Policy as articulated in NDSU Policy Manual, Section 336

(Examinations and Grading), thusly: **Dead Week Policy** (adopted by Faculty Senate on February 14, 2005):

Only one exam or quiz per course may be given during the last two weeks of the semester (prorated accordingly for variable length courses), which includes finals week. Exceptions include summer classes, self-paced/correspondence courses, make-up exams, courses in which laboratory is incorporated with a lecture, one-credit courses, and quizzes that account for less than 5% of the students' overall grade. If a professor chooses to give an exam during the last week of classes, he/she is expected to make some instructional use of the final examination time.

14. This policy change was originated by (individual, office or committee/organization):

- Dead Week Policy Review Ad Hoc Committee, is composed of the following members: Carlos Hawley (Chair), Department of Modern Languages; Ann Burnett, Department of Communications; Anthony Flood, Department of History; Marcela Perett, Department of History; Anastassiya Andrianova, Department of English; and with assistance from Rhonda Kitch from the Office of Registration and Records. 4/IV/2019.
- Contact Carlos Hawley ([CarlosHawley@ndus.edu](mailto:CarlosHawley@ndus.edu)) for revisions.

*This portion will be completed by Heather Higgins-Dochtermann.*

Note: Items routed as information by SCC will have date that policy was routed listed below.

15. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

# North Dakota State University

## Policy Manual

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### SECTION 336 EXAMINATIONS AND GRADING

SOURCE: NDSU Faculty Senate Policy

The giving of examinations, their type, and number is up to the individual instructor, in so far as it is consistent with Dead Week Policy (see below). However, results of some examinations or other methods of evaluation are to be provided to students before the last day to drop courses (coincides with last day to withdraw to zero credits) within a given term. This deadline is published on an annual basis and typically occurs in week 12 of the semester, which includes final examination week, for standard full-term courses. Deadlines for variable length courses are prorated based on the length of the class.

Examinations and grade lists are not to be posted by name, social security number or University-generated student identification number, and examination and term papers must have the grade denoted inside when they are made available for students to pick up, in order to maximize privacy of grades. (University Senate Policy, approved Feb. 21, 1972)

#### Mid-Term Grades

As an early intervention effort to improve retention and academic progress of students, mid-term grade rosters are generated prior to the 8th week of fall and spring semesters for all standard full-semester classes. Instructors are encouraged to enter deficient mid-term grades of D and F in undergraduate courses. Notifications are sent to students with reported deficient mid-term grades and to academic departments/advisers.

For all other courses, mid-term progress reports shall be made available to students upon request.

Mid-term grades are not considered official grades and do not appear on student academic transcripts. Adviser holds may be placed on students who have one or more reported deficient mid-term grades.

#### Final Examinations:

The schedule for final examinations is determined and published by the Office of Registration and Records. Final examinations in one-credit courses are usually given during the last regular class period. Final examinations for summer classes and distance-delivered classes are arranged by the instructors. Classes scheduled outside the standard scheduling patterns do not have published final examination periods. Instructors are to make arrangements to administer examinations at times that are least disruptive to students' existing schedule of final exams. Final examinations for all other courses may not be rescheduled during the final examination period, or given prior to the start of final examination period. According to the State Board of Higher Education policy, the examination period is instructional time and, if a final examination is not given, some instructional use of this period is expected.

No student shall be obligated to take more than three final examinations scheduled for the same calendar day. In the event that a student has four or more final examinations on the same calendar day, the student

shall notify the instructor(s) from the highest numbered course(s) no later than two weeks before the last day of class to schedule a make-up examination to be administered at a mutually acceptable time.

**Dead Week Policy** (adopted by Faculty Senate on February 14, 2005):

Only one exam or quiz per course may be given during the last two weeks of the semester (prorated accordingly for variable length courses), which includes finals week. Exceptions include summer classes, self-paced/correspondence courses, make-up exams, courses in which laboratory is incorporated with a lecture, one-credit courses, and quizzes that account for less than 5% of the students' overall grade. If a professor chooses to give an exam during the last week of classes, he/she is expected to make some instructional use of the final examination time.

Upon request all instructors shall inform students directly of their approximate mid-term grades before the end of the eighth week of the semester. (University Senate Policy, approved Dec. 21, 1970)

Examinations and grade lists are not to be posted by name, social security number or student University generated identification number, and examination and term papers must have the grade denoted inside when they are made available for students to pick up, in order to maximize privacy of grades. (University Senate Policy, approved Feb. 21, 1972)

**Final Grades**

Grades for all undergraduate, graduate and professional students in all courses must be entered by the grade loading deadline in order for important end-of-term academic and financial processes to run, and for timely academic standing notifications to be sent to students. Final grades are reported in the student information system by faculty and typically are due by the end of the second business day following the conclusion of finals week. Instructions and deadlines are provided each term by the Office of Registration and Records.

**Incomplete Grades**

Under extraordinary circumstances and at the discretion of the instructor, a student may be assigned a grade of Incomplete (I). The following policies apply to Incomplete grades:

1. The grade of Incomplete is assigned to indicate that satisfactory work has been completed up to within five weeks of the semester end, and that circumstances beyond the student's control prevented completion of the work. The time period is proportional for variable length courses and summer session.
2. The grade of Incomplete is not to be given in any instance where the student has a deficiency of more than five weeks of work including final exam week. The time period is proportional for variable length courses and summer session.
3. Grades of Incomplete are initiated by student request. The student must contact the instructor, request an Incomplete grade, and, upon instructor approval, make arrangements to complete the work.
4. The grade of Incomplete (I) is an administrative grade that may only be entered by the Office of Registration and Records, except in courses designated as practicum, internship, individual study, field experience, or study abroad.
5. An Incomplete Grade Reporting Form detailing the work to be completed, expected completion date, and grading standard is to be signed and dated by both the instructor and

the student. The form is to be submitted to the Office of Registration and Records by the grade submission deadline in which the course was taken. It is advisable that the instructor, student and advisor retain copies of this form for their records as well.

6. Grades of Incomplete, including those for most course types identified in #4, must be removed no later than the end of the seventh week of the next full semester (fall or spring). The time period is proportional for variable length courses and summer session.

7. Grades of Incomplete are removed when the student has completed all course requirements and the instructor of the course files a Grade Reporting Form with the Office of Registration and Records.

8. All grades of Incomplete that are not removed within the specified time are automatically changed to F grades by the Office of Registration and Records.

9. Instructors may specify completion deadlines for remaining work on the Incomplete Grade Reporting Form earlier than the standard deadlines.

10. Requests for extensions beyond the seventh week of the next full semester require approval by both the instructor and the chair of the department offering the course. The extended deadline must be indicated on the Incomplete Grade Reporting Form and may not exceed two Incomplete conversion/deadline cycles. If a grade is not submitted by the specified deadline, the Incomplete grade will convert to a grade of F.

11. Grades of Incomplete, which convert to grades of F, earned in the last semester of attendance by a student who leaves the University for two or more years may be changed to Withdrawn (W) upon re-enrollment. Requests for this privilege must be filed with the Office of Registration and Records during the first term of re-entry.

12. An Incomplete grade may be converted to a letter grade (or P/F, S/U) according to the above guidelines, but may not be expunged from the record.

13. Students may not register in courses in which they currently hold grades of Incomplete, except for courses that are repeatable for credit.

14. Students are not allowed to graduate with unconverted Incomplete grades on their academic records. Upon graduation, unconverted Incomplete grades will convert to grades of F. If a course in which an Incomplete grade was assigned is required for graduation, the instructor may extend the deadline according to the above procedures and timelines, and graduation will be postponed.

15. Students who receive grades of Incomplete or converted grades of F may appeal disputed grades in accordance with NDSU Policy, Section 337: Grade Appeals Board.

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HISTORY:

New	January 19, 1970
Amended	April 1992
Amended	November 1992
Amended	May 2005
Amended	October 2006

Housekeeping February 14, 2011  
Amended January 28, 2014