

**Meeting Agenda**

March 8, 2021

- I. Call to Order.
- II. Attendance.
- III. Adoption of the Agenda.
- IV. Approval of Meeting Minutes from February 8, 2021.
- V. Announcements.
  1. Dean Bresciani, President
  2. Margaret Fitzgerald, Provost
  3. Florin Salajan, Faculty Senate President
  4. Molly Secor-Turner, Faculty Senate Past-President
  5. Anastassiya Andrianova, Faculty Senate Acting President-Elect
  6. Maggie Latterell, Staff Senate President
  7. Matthew Friedmann, Student Body President
  8. Philip Hunt, Registrar
- VI. Committee and Other Reports.
  1. Budget Committee report
- VII. Consent Agenda.
  1. UCC Report
  2. Policy 156.1
  3. Policy 509
- VIII. Unfinished Business.
- IX. General Order.
  1. Amendment of Article IV, Section 5 of Faculty Senate Bylaws
- X. New Business.
  1. Faculty Senate Resolution on ND Senate Bill 2030 Amendment
  2. Proposed Amendments to Council of College Faculties Constitution and Bylaws
  3. Proposed Amendments to the Constitution of the North Dakota General Education Council
  4. Policy 152.2
  5. Policy 158.1
- XI. Adjournment.

## Meeting Minutes

February 8, 2021

I. Call to Order—*meeting called to order at 3:03 by President Salajan.*

II. Attendance

Faculty Senate Members		Substitutions	Present
Molly Secor-Turner, Past President			X
Florin Salajan, President			X
Ali Amiri, Parliamentarian			X
Christopher Byrd	AFSNR		
Tom DeSutter	AFSNR		X
Andrew Green	AFSNR		X
Jeremy Jackson	AFSNR		X
Ryan Limb	AFSNR		X
Birgit Pruess	AFSNR		X
David Ripplinger	AFSNR		X
Guiping Yan	AFSNR		X
Eric Berg	AFSNR		X
Qi Zhang	AFSNR		
Bakr Aly Ahmed	AHHS		X
Anastassiya Andrianova, Acting President Elect	AHHS		X
Lisa Arnold	AHHS		X
Sean Burt	AHHS		X
John Creese	AHHS	Dane Mataic	X
Pam Emanuelson	AHHS		X
Kristen Fellows	AHHS		X
Holly Hassel	AHHS		X
Dan Pemstein	AHHS		X
Onnolee Nordstrom	BUS		X
Fred Riggins	BUS		X

Ruilin Tian	BUS	Jin Li	X
Eric Asa	ENG		
Long Jian	ENG		X
Zhibin Lin	ENG		
Majura Selekwa	ENG	Robert Pieri	X
Changhui Yan	ENG		X
Shannon Harriger	HP		X
Mary Larson	HP		X
Sharon Nelson	HP		X
Stephen O'Rourke	HP		
Sara Thompson	HP		X
Amelia Asperin	HSE		X
Katie Lyman	HSE		X
Kimberly Overton	HSE		X
Tom Carlson	HSE		
Laura Aldrich-Wolfe	SM		X
Josef Dorfmeister	SM		X
John Hershberger	SM	Warren Christensen	X
Ken Lepper	SM		
Mark McCourt	SM		X
Kent Rodgers	SM		X
Abraham Ungar	SM		X
Pinjing Zhao	SM		X

III. Adoption of the Agenda - *motion to approve by Sen. Pieri (proxy), seconded by Sen. Aly Ahmed. Motion by Sen. Andrianova to remove item 1 under “Unfinished Business” (NDSU Counsel legislative overview on faculty interaction with legislators), seconded by Sen. Lepper. Vote to remove the Unfinished Business item by acclamation; motion passed unanimously.*

*Motion by Sen. Andrianova to add the formation of an Ad-hoc Committee to Review Faculty Senate Bylaws and Constitution as item 5 under “New Business,” seconded by Sen. McCourt. Sen. McCourt called the question, seconded by Sen. Pieri (proxy). Vote by acclamation; motion for addition passed with one abstention (Sen. Pieri [proxy]). Vote for adoption of the agenda by acclamation, passed with one abstention (Sen. Pieri [proxy]).*

IV. Approval of Meeting Minutes from January 11, 2021. - *Motion to approve by Sen. Pieri (proxy), seconded by Sen. Aly Ahmed. Correction to add Sen. Larson to Executive Session attendance. Minutes adopted unanimously by acclamation.*

V. Announcements

1. Dean Bresciani, President - *not present. No announcements.*
2. Margaret Fitzgerald, Provost - *Legislative updates and tracking being sent out by President Bresciani and shared with faculty by FS President Salajan. Strategic consultants have begun working on campus. Will be starting a website to share weekly updates.*
3. Florin Salajan, Faculty Senate President - *no announcements.*
4. Molly Secor-Turner, Faculty Senate Past-President - *no announcements.*
5. Anastassiya Andrianova, Faculty Senate Acting President-Elect - *no announcements.*
6. Maggie Latterall, Staff Senate President - *thanked those who participated in the Day of Honor. Nominations now open for Staff awards and close March 15<sup>th</sup>. Awardees recognized at the June Staff Senate meeting.*
7. Matthew Friedmann, Student Body President - *in collaboration with the Provost's Office, the SGA issued two grants to two instructors, Jaeha Li and Kaye Temanson. Soliciting nominations for student senators and encouraging faculty to nominate from their units. Sent out an email about myNDSU and the student events calendar to the campus employees listserv, inviting them to create profiles and publicize events.*
8. Philip Hunt, Registrar - *no announcements.*

VI. Committee and Other Reports

1. Budget Committee Report - (provided by FS President Salajan in the absence of Don Miller) *The Committee discussed Huron Consulting going through interviews with campus leaders to inform expenditure reduction. Question by Sen. McCourt about the role of the FS Budget Committee in the process of expenditure reduction. President Salajan responded that it is still being worked out. Provost Fitzgerald added that the consultants will get to know the campus climate further through interviews, town halls, and possibly focus groups. They are currently communicating with high stakeholders and will later develop a mechanism for an engagement plan with information forthcoming. Follow up question by Sen.*

*McCourt about the involvement of the FS Budget Committee. The Provost noted that a larger role can be discussed.*

2. *Shared Governance Ad-hoc Committee Report - Sen. Hassel reported that the committee was asked to develop a policy around shared governance. The committee includes Sen. Hassel, Sen. Pruess, Dr. Bilen-Green, and Matt Hammer (Legal Counsel). The committee drafted a policy document that articulates shared governance definitions, general principles of shared governance, and different jurisdictions. The proposed policy has been preliminarily vetted by representatives from the Staff Senate, Student Government, and Faculty Senate Executive Committee. President Salajan described the process for the policy to make its way through the Senate Coordinating Committee to be reviewed by legal counsel and then brought before the three Senates for discussion and a vote.*

VII. Consent Agenda

1. *UCC Report - motion to approve by Sen. Pieri (proxy). Vote by acclamation; approved unanimously.*

~~VIII. Unfinished Business~~

- ~~1. NDSU Counsel legislative overview on faculty interaction with legislators~~

IX. New Business

1. *Confirmation of members for the Equity and Diversity Committee - President Salajan explained that the bylaws limit this committee's membership to 5 members, one representative from the CSWF and another from the Provost's Office: the VP for Faculty Affairs and Equity. Nominations were received from all colleges.*

*Motion by Sen. Andrianova to confirm all members and ask Drs. Larson and Mackey to be guests until the bylaws are amended to expand the committee's membership. Seconded by Sen. Larson. President Salajan asked for suggestions for the committee's work, to be shared either now or later. No responses. Called to question by Sen. Lepper, second by Sen. McCourt. Vote by electronic poll: 38 yes votes, 0 no votes, 1 abstention. Motion approved.*

2. Confirmation of a new member to the Academic Integrity Committee (Dogan Comez) - *Motion to confirm by Sen. Larson, second by Sen. Lepper. Vote by electronic poll; 38 yes votes, 0 no votes, 1 abstention. Motion approved.*
3. Amendment to Article IV, Section 5 of the Faculty Senate Bylaws - *Motion to approve by Sen. Rodgers, seconded by Sen. Asperin. Vote by electronic poll: 37 yes votes, 1 no votes, 1 abstention.*
4. Formation of an Ad-hoc Faculty Legislative Committee - *The proposed ad-hoc committee would be tasked with tracking and following legislative bills in the ND legislature which are of interest to the faculty. Motion to approve by Sen. Secor-Turner, second by Sen. Rodgers. Discussion: Sen. Larson provided an example for this committee: a hearing on public employee pay raises scheduled for this Wednesday would be of high relevance to faculty. Vote by electronic poll: 38 yes votes, 0 no votes, 1 abstention.*
5. *Formation of an Ad-hoc Committee for Review of Senate Bylaws and Constitution. - Motion to approve by Sen. McCourt, second by Sen. Andrianova. Discussion: Question by Sen. Pieri (proxy) about Article 2, Section 9 already having a role to review bylaws and constitution. Clarification by President Salajan that Article 6 is the section that directs the review and amendment of the bylaws and the section in Article 2 refers to the Secretary updating the Bylaws and Constitution for update. Sen. Lyman called the question, seconded by Sen. McCourt. Vote by electronic poll: 36 yes votes, 1 no votes, 2 abstentions. Motion approved. Please send nominations for committee members to President Salajan by Friday, Feb. 19<sup>th</sup>.*
6. Faculty Senate Resolution of Censure - *Motion to approve by Sen. McCourt, second by Sen. Jackson. Motion by Sen. DeSutter to table the discussion until a legal review is done. President Salajan ruled the motion out of order. Motion by Sen. Rodgers to enter executive session, second by Sen. Pieri (proxy). Sen. DeSutter commented that entering executive session undermines the spirit of transparency. Sen. Pruess requested the motion to table be reconsidered as it should supersede the previous motion to enter executive session. Parliamentarian Amiri confirmed that President Salajan can rule that the motion was out of order. Sen. Burt agreed that the executive session limits transparency; feedback collected by AHSS Senators from their constituents supported this. Called the question by Sen. Andrianova, seconde*

*by Sen. Hassel. Vote by electronic poll: 20 yes votes, 13 no votes, 5 abstentions. Entered executive session at 4:17pm.*

*In attendance for executive session: President Salajan, Sen. Secor-Turner, Sen. Lyman, Sen. Andrianova, Sen. DeSutter, Sen. Burt, Sen. Lepper, Sen. Pruess, Sen. Rodgers, Sen. Larson, Sen. Riggins, Sen. Jiang, Sen. Zhao, Sen. Hassel, Sen. Li (proxy), Sen. McCourt, Sen. Fellows, Sen. Green, Sen. Nelson, Sen. Dorfmeister, Sen. Aldrich-Wolfe, Sen. Green, Sen. Berg, Sen. Aly Ahmed, Sen. Harriger, Sen. Arnold, Sen. Nordstrom, Sen. Yan, Sen. Christensen (proxy), Sen. Limb, Sen. Yan, Sen. Overton, Sen. Thompson, Sen. Pemstein, Sen. Jackson, Sen. Ripplinger, Sen. Ungar, Sen. Asperin, Sen. Pieri (proxy), Sen. Mataic (proxy), Parliamentarian Amiri.*

*Discussion. Vote by electronic poll: 21 yes votes, 13 no votes, 4 abstentions. Motion to approve the resolution passed.*

*Motion by Sen. Lepper to exit executive session, second by Sen. Pieri (proxy). Vote by acclamation; passed unanimously.*

*Exited executive session at 4:46pm.*

- X. *Adjournment – Motion to adjourn by Sen. Andrianova, second by Sen. McCourt. Meeting adjourned at 4:46pm.*

**University Curriculum Committee Report  
For Faculty Senate Meeting on March 8, 2021**

<b>New Programs</b>
Graduate Certificate, Supply Chain Management
Undergraduate Certificate, Family Financial Planning
Undergraduate Certificate, GIS and Remote Sensing
Graduate Certificate, Student Affairs Administration

<b>Program Changes</b>
B.S., Accounting – adding MGMT 470 as a course option to the accounting practicum.
BS/BA, Human Dev & Family Science: Elementary Education – delete HSE 189 and replace HSE 320 with HSE 390 in curriculum.
BSCNE, Construction Engineering – adding a combined/accelerated degree program as a new option.
BSCONSM, Construction Management – adding a combined/accelerated degree program as a new option.
Undergraduate Certificate, Professional Selling – replace BUSN 413 with MRKT 497 as the internship course.
Graduate Certificate, Public Health – re-aligned course offerings for each certificate option to reflect only active courses.
MACC, Accountancy – adding several electives within specific disciplines.
MconsM, Construction Management – adding a combined/accelerated degree program as a new option.
MS, Genomics, Phenomics & Bioinformatics – changing program name, broadening the selection of core courses, adding a new option.
PhD, Genomics, Phenomics & Bioinformatics – changing program name, broadening the selection of core courses, adding a new option.

<b>General Education changes</b>
ENGL 335, Multicultural Writers – revalidation for Humanities & Fine Arts and Cultural Diversity categories.

<b>New Courses</b>			
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Effective Term</b>
PHRM	576	Essentials for Pharmacist Licensure I	Summer 2021
PHRM	577	Essentials for Pharmacist Licensure II	Fall 2021
PHRM	578	Essentials for Pharmacist Licensure III	Spring 2022

<b>New Special Topics Courses</b>			
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Effective Term</b>
ANSC	796	Special Topics in Livestock Genomics & Bioinformatics	Fall 2021

<b>Course Reactivations</b>			
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Effective Term</b>
PH	712	Public Health Research Methods	Fall 2021

<b>Course Changes</b>								
<b>From:</b>				<b>To:</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Dept</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Effective Term</b>
ECE	475	Advanced Digital Design	4	ECE	<b>375</b>	<b>Digital Design 2</b>	<b>3</b>	Fall 2021
EDUC	712	Social, Cultural and Political Dimensions of Schools	4	EDUC	712	Social, Cultural and Political Dimensions of Schools	<b>3</b>	Summer 2021
EDUC	732	Curriculum, Instruction and Learning Theory	4	EDUC	732	Curriculum, Instruction and Learning Theory	<b>3</b>	Summer 2021
ENGL	122	ESL College Composition II	3	ENGL	122	<b>Multilingual College Composition II</b>	3	Fall 2021
HDFS	483	Developmentally Appropriate Practices From Birth through Adolescence	3	HDFS	483	<b>Best Practices, Play and Activities from Birth through Adolescence</b>	3	Summer 2021
HSE	320	Professional Issues	1	<b>HDFS</b>	<b>390</b>	<b>Career Development</b>	1	Fall 2021
ME	361	Introduction to Mechanical Engineering Profession	1	ME	361	<b>Product Design and Development</b>	<b>3</b>	Fall 2021
PH	712	Health Outcomes Research	3	PH	712	<b>Public Health Research Methods</b>	3	Fall 2021
PH	774	Research Issues in Tribal Communities	3	PH	774	<b>Research and Evaluation in Tribal Communities</b>	3	Fall 2021
PHRM	538	PTDI: Cardiovascular and Pulmonary Diseases	4	PHRM	538	<b>Cardiovascular and Pulmonary Diseases</b>	4	Spring 2022
TL	711	Logistics Systems	3	TL	711	<b>Supply Chain Systems</b>	3	Fall 2021
TL	721	International Logistics Management	3	TL	721	<b>Global Supply Chain Management</b>	3	Summer 2021



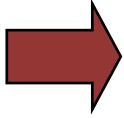
Changes in Course Descriptions and/or Requisites				
Subject	No.	Title	Prerequisite/Co-requisite/Description Change	Effective Term
ABEN	358	Electric Energy Application in Agriculture	Desc: Basic principles of electricity, electrical wiring, electrical power distribution/services, electrical load calculations, lighting, motor and standby electric generator selection, solar and wind power principles, solid-state and electromagnetic sensors, electrical safety, Variable Frequency Drives (VFD), and Programmable Logic Controller (PLC).	Fall 2021
CM&E	488	Construction Management Capstone	Desc: This course focuses on applying knowledge and skills learned in the previous courses, a look into construction management process, interactions, marketing, estimating, scheduling, and other functions for a management plan for a construction project.	Spring 2021
CM&E	489	Construction Design Capstone	Desc: This course focuses on the design and construction aspects of an actual construction project.	Spring 2021
ECE	375	Digital Design 2	Desc: Sequential circuit design, design of optimized arithmetic circuits including adders, subtractors, multipliers and dividers, floating point arithmetic, and behavioral and structural VHDL. 2 lectures, 1 two-hour laboratory.	Fall 2021
ENGL	122	Multilingual College Composition II	Prereq: ENGL 110 or ENGL 112 or English placement.	Fall 2021
ENVE	211	Analysis and Design Methods for Environmental Engrs	Prereq: none	Spring 2022
ENVE	412	Unit Operations and Processes	Prereq: CE 309 and ENVE 360.	Spring 2022
HDFS	483	Best Practices, Play and Activities from Birth through Adolescence	Desc: This course will provide students with an in-depth understanding of play at various ages, as well as provide guidance in planning and understanding the use of developmentally appropriate practices, activities and materials from infancy through adolescence. A strong emphasis on play as an essential element of development, theories of play, guided play and play development will be incorporated into this course. Prereq: HDFS 320 and HDFS 330. Co-req: HDFS 340.	Summer 2021
ME	361	Product Design and Development	Desc: This course provides an insight into the mechanical design process with the focus on developing a new product with thoughtful implementation of human-centered design (robust design, design for environment, human factors, etc.). Topics on project planning and scheduling and conceptual design process will be covered. In addition, this course provides students with an introduction into the business aspects of project management and product development.	Fall 2021
PH	712	Public Health Research Methods	Desc: This course provides an introduction to a variety of research methods and key components of a research study that can be employed in public health research and practice. Prereq: none.	Fall 2021
PH	774	Research and Evaluation in Tribal Communities	Desc: The course will provide a detailed overview of the unique considerations for conducting health-related research and evaluation in Indigenous communities. Considerations include centering Indigenous ways of knowing and methodologies, creating community-driven research agendas, sovereignty, distrust of research and evaluation based on historical and contemporary abuses, effective partnerships with non-Indigenous allies, and strengths and limitations of datasets for addressing health disparities.	Fall 2021
PH	789	Integrative Learning Experience	Grading basis: Satisfactory/Unsatisfactory Instruction format: research	Fall 2021

<b>Changes in Course Descriptions and/or Requisites (continued)</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Prerequisite/Co-requisite/Description Change</b>	<b>Effective Term</b>
PHRM	538	Cardiovascular and Pulmonary Diseases	Prereq: PSCI 413 and PSCI 414 with a grade of C or higher.	Spring 2022
SOC	470	Social Data Analysis	Prereq: none	Fall 2021

<b>Course Inactivations</b>				
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Effective Term</b>	
HNES	200	Principles of Nutrition	Summer 2021	
PH	771	American Indian Health Policy	Fall 2021	
PH	773	Social and Cultural Determinants in Indian Health	Fall 2021	

# 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 [ndsu.scc@ndsu.edu](mailto:ndsu.scc@ndsu.edu) first so that a clean policy can be presented to the committees.*

**SECTION:** Policy 156.1: Title IX Complaint Procedures

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: These changes align with the changes approved by the SBHE on 12/17/2020 to SBHE 520: Title IX – Sexual Harassment.

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

- Office/Department/Name and the date submitted: Equity Office 01/07/2021
- Email address of the person who should be contacted with revisions: [ndsu.eoaa@ndsu.edu](mailto:ndsu.eoaa@ndsu.edu)

*This portion will be completed by Ann Fredrickson.*

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):**

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 [ndsu.scc@ndsu.edu](mailto:ndsu.scc@ndsu.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 156.1 TITLE IX COMPLAINT PROCEDURES

SOURCE: SBHE

1. It is the policy of NDSU to fully comply with all aspects of Title IX of the Education Amendments of 1972 and the regulations promulgated under its authority. These procedures are based off North Dakota University System Policy 520. In the event of direct conflict between these procedures and NDUS Policy 520, NDUS Policy 520 shall prevail. Similarly, any conflict between NDUS Policy 520 and any existing NDSU or NDUS policy or procedure shall be resolved in favor of NDUS Policy 520.
2. **Definitions.** For the purposes of NDSU's Title IX Complaint Procedures, the listed terms shall have the following definitions pertaining to the 2020 Title IX regulations and NDUS Policy 520:
  - a. *Actual Knowledge.* Notice of sexual harassment or allegations of sexual harassment to NDSU's Title IX Coordinators, Chairs, Heads, Deans, Directors, or any NDSU official with authority to institute corrective measures on the behalf of NDSU.
  - b. *Complainant.* An individual who is alleged to be the receiver of conduct which could, after investigation, constitute sexual harassment.
  - c. *Dating Violence.* Violence committed by the Respondent:
    - i. Who is or has been in a romantic or intimate relationship with the Complainant; and;
    - ii. Where the existence of such a relationship shall be determined by considering the length of the relationship, the type of relationship, and the frequency of interactions between the Complainant and Respondent.
  - d. *Deliberate Indifference.* When NDSU's response to sexual harassment is clearly unreasonable considering the information known to NDSU at the time.
  - e. *Domestic Violence.* Violence committed by the Respondent, who is:
    - i. a current or former spouse or intimate partner of the Complainant;
    - ii. a person with whom the Complainant shares a child in common;
    - iii. cohabiting with or has cohabited with the Complainant as a spouse or intimate partner;
    - iv. similarly situated to a spouse of the Complainant; or
    - v. any person against whose acts the Complainant is protected by N.D.C.C. ch. 14-07.1.
  - f. *Educational program or activity.* Includes locations, events, or circumstances over which NDSU exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, as well as in any building owned or controlled by a student organization that is officially recognized by NDSU.
  - g. *Fondling.* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

- h. *Formal Complaint.* A document filed by a Complainant (which either contains the Complainant's signature or indicates that the Complainant is the one filing the complaint) or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that NDSU investigate.
- i. *Incest.* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- j. *Rape.* Penetration, no matter how slight, of the vagina or anus of the complainant with any body part or object by the Respondent, or oral penetration of the Complainant by a sex organ of the Respondent, without the consent of the Complainant.
- k. *Respondent.* An individual who has been reported to be responsible for the conduct that could constitute sexual harassment.
- l. *Sexual Assault.* Either rape, fondling, incest, statutory rape, or any of the sexual offenses listed in N.D.C.C. ch. 12.1-20 or by the FBI's Uniform Crime Reporting system.
- m. *Sexual Harassment.* Conduct, on the basis of sex, constituting one (or more) of the following:
  - i. An employee of NDSU conditioning the provision of an aid, benefit, or service of NDSU on an individual's participation in unwelcome sexual conduct;
  - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NDSU's educational program or activity; or
  - iii. Sexual assault, dating violence, domestic violence, or stalking, as defined in this section.
- n. *Stalking.* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.
- o. *Statutory Rape.* Sexual intercourse with a person who is under the statutory age of consent
- p. *Supportive Measures.* Non-disciplinary, non-punitive individualized services offered as appropriate (as reasonably available) and without fee or charge to the Complainant or Respondent.

### 3. Pre-Grievance Process.

- a. **Timing.** This grievance process shall be carried out using reasonably prompt time frames, including time frames for filing and resolving appeals, and for informal resolution processes if offered. The informal resolution process will follow the process as outlined in Policy 156, Section 7, including the option that NDSU reserves the right to deny the Parties the option of using the informal resolution process if it is deemed to be inappropriate or inadequate. Notwithstanding, temporary delays or extensions of the time frames must be offered for good cause, with written notice to the parties setting forth the cause for the action.
  - i. *Good cause.* May include considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability.
- b. **Actual Knowledge of Sexual Harassment.** With or without the filing of a formal complaint, once NDSU has actual knowledge of sexual harassment within its educational program or activity in the United States, NDSU must respond promptly and without deliberate indifference pursuant to

these Procedures and any applicable NDSU policies.

- i. Once NDSU has actual knowledge of sexual harassment, the Title IX Coordinator must contact the Complainant and:
    1. Discuss the availability of supportive measures;
    2. Consider the Complainant's wishes regarding supportive measures;
    3. Inform the Complainant that supportive measures are available with or without the filing of a formal complaint; and
    4. Explain the process of filing a formal complaint.
  - ii. No disciplinary sanctions or other actions which are not supportive measures may be imposed against any Party prior to the conclusion of the grievance process. Exceptions are Emergency Removal (section 1d) and Administrative Leave (section 1e).
- c. **Supportive Measures.** NDSU shall offer supportive measures designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the Parties, including measures designed to protect the health and safety of all Parties or the educational environment, or to deter further sexual harassment.
- i. Supportive Measures may include but are not limited to:
    1. Counseling;
    2. Extensions of deadlines or other course-related adjustments;
    3. Modifications of work or class schedules;
    4. Campus escort services;
    5. Mutual restrictions on contact between the Parties;
    6. Changes in work or housing locations;
    7. Leaves of absence; and
    8. Increased security or monitoring of certain areas of campus.
  - ii. NDSU must maintain confidentiality with respect to supportive measures unless disclosure is required to implement the supportive measures.
  - iii. The Title IX Coordinator or other designee shall coordinate the effective implementation of supportive measures.
  - iv. Supportive measures may not restrict any Party's rights under the United States Constitution.
- d. **Emergency Removal.** NDSU may remove a Party from the educational program or activity on an emergency basis, provided that NDSU determines, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.
- i. NDSU will provide the Respondent with notice and an opportunity to challenge the Emergency Removal decision immediately following the removal. In challenging the Emergency Removal decision, the Respondent shall have the burden to show why removal should not be implemented or be modified. While this challenge process may produce facts and evidence relevant to the grievance process, this challenge process need not follow all of the requirements of the grievance process. As such, this meeting

is not a hearing on the merits of the allegation(s) but rather is an administrative process intended to determine solely whether the emergency removal is justified.

- e. **Administrative Leave.** NDSU may place a non-student employee on administrative leave during the pendency of a grievance process.

#### 4. Grievance Process.

##### a. Formal Complaint and Notice of Allegations.

- i. Once a formal complaint is received by NDSU, NDSU must provide the following written notice to the known Parties:
  - 1. Notice of the grievance process, including any informal resolution process as delineated in Policy 156, Section 7;
  - 2. Notice of the allegations of sexual harassment, including:
    - a. Sufficient details known at the time and with enough time to prepare a response, including, but not limited to, the names of the Parties, the conduct allegedly constituting sexual harassment, as defined by Title IX, and the date and location of the alleged conduct.
  - 3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
  - 4. A statement that the Parties may have an Advisor of their choice, who may be an attorney, and may inspect and review evidence. At the onset of the complaint resolution, an Advisor will be offered to each Party. The statement should also indicate that if the Party does not have an Advisor of choice, NDSU will appoint an Advisor to assist with cross-examination for the live hearing.
  - 5. Notice of any provisions in NDSU's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- ii. If during the grievance process, additional allegations are added to the investigation which were not included in the initial notice, NDSU must provide notice of the additional allegations to the Parties.

There is no deadline on when a Complainant may file a complaint.

##### b. Advisors.

- i. Parties to a grievance proceeding must be afforded the opportunity to select the Advisor of their choice to assist them during the proceeding, including during the live hearing.
- ii. If a Party does not choose an Advisor, NDSU shall provide the Party with an Advisor free of charge. At minimum, NDSU shall provide an Advisor to conduct the Party's cross-examination at the hearing. However, nothing in this policy or the Title IX regulations should be read to prohibit NDSU from providing an Advisor for the full duration of the grievance process, provided that the Parties are treated equally as to timing if NDSU

appoints Advisors for all Parties.

- iii. NDSU is not required to provide attorneys to Parties to act as Advisors, but appointed Advisors should be provided with access to appropriate training to ensure an understanding of the grievance process, though the same training provided to Title IX Coordinators, decision-makers, and Investigators is not required.
- iv. NDSU is not required to attempt to create equality of Advisors between the Parties, particularly where one Party selects an outside Advisor, but will endeavor to seek parity of Advisors where NDSU provides Advisors to all Parties.

**c. Investigation.**

- i. NDSU is required to investigate every filed formal complaint unless the complaint is subject to dismissal, as outlined in Section D.
- ii. At all times, the burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on NDSU, and NDSU may not seek to shift that burden to the Parties.
  - 1. Notwithstanding, NDSU may not restrict the Parties' ability to discuss the allegations or to gather or present relevant evidence.
- iii. At all times, NDSU shall observe a presumption that the Respondent is not responsible for the alleged conduct until and unless there is a determination of responsibility at the conclusion of the grievance process Investigators will avoid prejudgment of the facts presented by the Parties.
- iv. NDSU may not access, consider, disclose, or otherwise use a Party's medical records made or maintained in connection with the provision of treatment to the Party, unless voluntary, written consent to do so is provided by the Party (or the Party's parent, if the Party is not eligible to provide consent).
- v. NDSU may not require, allow, rely upon, or otherwise use evidence that constitutes, or questions that seek disclosure of, information protected under a legally recognized privilege, unless that privilege is waived.
- vi. NDSU must provide to the Parties written notice of the date, time, location, participation, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare. Dates and times of other interviews not involving the Party will not be provided beforehand.
- vii. The Parties must be afforded an equal opportunity to have others present during any grievance proceeding. This includes up to two Advisors, one who conducts the cross examination, and one who provides support. , — NDSU may establish restrictions regarding the extent to which the Advisors may participate in the proceedings, so long as the restrictions apply equally to all Parties and comply with this policy.
- viii. All Parties must have an equal opportunity to inspect and review any evidence obtained as part of the investigation related to the allegations raised in a formal complaint, including any evidence upon which NDSU does not intend to rely in reaching a determination of responsibility and any inculpatory or exculpatory evidence, from



whatever source.

- ix. At least 10 calendar days prior to the preparation of the Preliminary Investigative Report, NDSU must provide each Party and the Party's Advisor the evidence obtained in the investigation in an electronic format or hard copy. The Parties may submit a written response to the evidence, which the Investigator shall consider prior to completion of the Preliminary Investigative Report.
- x. At the conclusion of the investigation, the Investigator must create a Preliminary Investigative Report that summarizes the relevant evidence in an adequate, impartial, and reliable manner. At least 10 calendar days prior to the hearing, the Investigator must send a copy of the Preliminary Investigative Report to each Party and the Party's Advisor, if any, for review and written response.

**d. Dismissal of the Complaint under Title IX.**

**i. Mandatory Dismissal**

- 1. NDSU must dismiss the Formal Complaint if, at any time during the investigation or hearing:
  - a. The alleged conduct would not constitute sexual harassment or sexual violence as defined in these procedures;
  - b. The alleged conduct did not occur in an Educational Program or Activity; or
  - c. The conduct alleged did not occur against a person in the United States.
- 2. If the formal complaint is subject to mandatory dismissal, NDSU may act under another policy, including but not limited to [Policy 100: Equal Opportunity and Non-Discrimination](#), without that action constituting retaliation under this Policy. The procedures would then follow [Policy 156: Discrimination, Harassment, and Retaliation Complaint Procedures, or any other applicable NDSU policy](#).

**ii. Permissive Dismissal.**

- 1. NDSU may dismiss the formal complaint if, at any time during the investigation or hearing:
  - a. A Complainant notifies the Title IX Coordinator, in writing, that the Complainant would like to withdraw the formal complaint, or any allegations contained in the formal complaint;
  - b. The Respondent is no longer enrolled or employed by NDSU; or
  - c. Circumstances prevent NDSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the formal complaint.
- 2. If a formal complaint is permissively dismissed, NDSU may consult with its legal counsel prior to acting under another policy to avoid taking actions constituting retaliation.

- iii. **Notice of Dismissal.** Upon a dismissal pursuant to this section, NDSU must promptly send written notice of the dismissal under Title IX and reason for the dismissal to all Parties simultaneously.

- e. **Consolidation of Formal Complaints.** NDSU may consolidate formal complaints against more than one Respondent, by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment or sexual violence arise out of the same facts or circumstances.
- f. **Live Hearing.**
  - i. The grievance process must provide for a live hearing after the completion of the Preliminary Investigative Report. All evidence obtained by the Investigator as part of the investigative process must be made available to the Parties and the decision-maker at the live hearing.
  - ii. The live hearing will be presided over by the decision-maker, who will be free of all conflicts of interest, and who may not be the Investigator or the Title IX Coordinator.
    - 1. Decision-maker for student Respondents
      - a. In cases involving a student Respondent, the decision-maker will be the Assistant Dean of Students or the Dean of Students. In the event a conflict of interest precludes the participation of the Asst. Dean of Students or the Dean of Students, NDSU shall assign a properly trained individual to serve in the role of decision-maker.
    - 2. Decision-maker for non-student employees
      - a. In cases involving a non-student employee, the decision-maker will be a three-person panel of non-student employees. The three-person panel will be chosen out of the pool of trained individuals. These individuals will consist of full-time faculty and staff
    - 3. Notwithstanding the foregoing, if the need arises, NDSU reserves the right to contract or utilize the services of a properly trained third party to perform the role decision-maker. The need for such a third-party shall be in the sole discretion of NDSU.
  - iii. At the request of either Party, the hearing must be conducted with the Parties located in separate rooms with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or witness answering questions. Hearings may be conducted with all Parties physically present in the same geographic location, or, any Parties, witnesses, and other participants may appear at the live hearing virtually, so long as the participants are able to simultaneously see and hear each other.
  - iv. At the live hearing, the decision-maker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those regarding credibility. This cross-examination must be conducted directly (the questions may not be asked by the decision-maker), orally, and in real time by the Party's Advisor and never by a Party personally.
    - 1. Prior to a Party or witness answering a question, the decision-maker must rule on the relevance of the question and explain any decision to exclude a question as not relevant.
    - 2. Decision-makers may request, but may not require, that questions by the Parties be submitted in advance, to permit the decision-maker to rule on the relevance of questions.
    - 3. NDSU may otherwise limit the extent to which the Party's Advisor may participate in the hearing.

- v. *Rape Shield*. Questions and evidence about the Complainant's sexual predisposition or sexual history are not relevant, unless such questions are offered to prove that someone other than the Respondent committed the alleged conduct, or regard specific incidents of the prior sexual behavior with respect to the Respondent, and are offered to prove consent. These questions may be submitted prior to the start of the live hearing.
- vi. *Cross-Examination*. If a Party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. Decision-makers may not draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence or refusal to answer cross-examination or other questions. There are no exceptions to this exclusion as there are in legal proceedings.
- vii. *Hearing Decorum*. Decision-makers may enforce rules to ensure hearing decorum, such as requiring respectful treatment, specifying any objection process, governing timing of hearing and length of breaks, etc.
- viii. NDSU must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

**g. Determination Regarding Responsibility.**

- i. In all cases, the applicable standard of proof for determining responsibility for an alleged violation is "*preponderance of the evidence*" meaning, in order for Respondent(s) to be held responsible it must be determined that it is more likely than not that the Respondent(s) violated these procedures.
- ii. After the conclusion of the live hearing, the decision-maker must issue a written determination regarding responsibility, which must include:
  - 1. Identification of the allegations potentially constituting sexual harassment under these procedures;
  - 2. Description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather evidence, and hearings held;
  - 3. Findings of fact supporting the determination;
  - 4. Conclusions regarding the application of any other institution's policy;
  - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies will be provided to the Complainant; and;
  - 6. The procedures, timelines, and permissible bases for the Complainant and Respondent to appeal.
- iii. The written determination must be provided to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that notice of the result of any appeal is provided to the Parties, if an appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- iv. The Title IX Coordinator shall be responsible to implement any remedies provided by the written determination.

5. **Disciplinary Sanctions.** Disciplinary sanctions imposed after the conclusion of the grievance process shall be assessed pursuant to [Policy 151: Code of Conduct](#); [Policy 601: Code of Student Conduct](#), or any similar documents which set possible disciplinary sanctions for violations of Title IX and shall be proportional to the determination of responsibility. Disciplinary sanctions may not be imposed until the conclusion of the Title IX appeal process.

**Remedies.** Remedies offered after the conclusion of the grievance process on a finding of responsibility must be designed to restore or preserve equal access to the educational program or activity. Remedies may be disciplinary or punitive and may create a burden for the Respondent.

6. Appeals/Title IX Appeal Process.

- a. Regardless of the finding (responsible, not responsible, dismissal) all Parties have the right to file an appeal. The following may form the basis for an appeal:
- i. Procedural irregularity that affected the outcome of the grievance process;
  - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter; or
  - iii. The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent, that affected the outcome of the grievance process.
  - iv. Other basis set forth in the campus-level processes, but which must be offered equally to all Parties (for example, an appeal based on the severity of the sanctions).
- b. Upon filing of an appeal, NDSU must:
- i. Notify the non-appealing Party in writing when an appeal is filed and implement appeal procedures equally for all Parties.
  - ii. Ensure that the appeal's decision-maker is not: the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator.
  - iii. Give all Parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
  - iv. Issue a written decision describing the result of the appeal and the rationale for the result; and
  - v. Provide the written decision simultaneously to all Parties.
- c. Upon conclusion of the Title IX appeal process or on the date following the deadline for filing an appeal pursuant to this section, NDSU institutions may implement any remedies or disciplinary sanctions imposed in the determination regarding responsibility or upheld on appeal, as appropriate. If a disciplinary sanction of suspension or expulsion for students or termination for employees is imposed by the decision-maker, NDSU shall provide a method of reviewing an additional appeal from a determination regarding responsibility ~~or dismissal~~ for a period of at least one year following the original decision pursuant to SBHE Policy 514. Such appeals may only be filed based on new information, contradictory information, and information indicating that the student or student organization was not afforded due process, and such appeal may not be based on grounds previously raised during the Title IX appeal process. For sanctions other than suspension, expulsion, or termination, an appeal must be submitted within 5 business days of receipt of the sanctions.

## 7. Training.

- a. All persons involved in the grievance process, including, but not necessarily limited to, Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the following areas:
  - i. The definition of sexual harassment;
  - ii. The scope of the educational program or activity;
  - iii. How to conduct an investigation and understanding of the grievance process, including hearings, appeals, and informal resolution processes, as applicable;
  - iv. How to serve impartially, including by avoiding prejudice of the facts at issue; conflicts of interest, and bias.
- b. Additionally, decision-makers must receive training on the following areas:
  - i. Any technology to be used at a live hearing; and
  - ii. Issues of relevance or questions and evidence, including when questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
- c. Investigators must also be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- d. All materials used to train the foregoing individuals must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- e. All training materials used to train the foregoing individuals must be made available to the public by posting on NDSU's website.

## 8. Recordkeeping.

- a. NDSU shall retain, for a period of seven years, records of:
  - i. Each sexual harassment investigation, including any determination regarding responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant;
  - ii. Any appeal and the result therefrom;
  - iii. Any informal resolution and the result therefrom;
- b. All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, which the institution must make available on its website; and NDSU must create and maintain for seven years, records of any actions, including records of supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, NDSU must document the basis for its response was not deliberately indifferent, and document that it took supportive measures, or, if supportive measures were not provided, an explanation of why such a response was not clearly unreasonable considering the known circumstances.

9. **Confidentiality.** Notwithstanding Chapter 44-04 of the North Dakota Century Code, the identity of any individual who has made a report or complaint of sex discrimination or sexual harassment, any Complainant, any Respondent, and any witness, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, shall be confidential.

## 10. Retaliation.

- a. NDSU or any other person may not intimidate, threaten, coerce, or discriminate against any

- individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.
- b. Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.
  - c. The exercise of rights protected under the First Amendment does not constitute retaliation.
  - d. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, although a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.
  - e. Complaints alleging retaliation may be filed pursuant to the grievance procedures for sex discrimination under Title IX.
- 

HISTORY:

New

August 14, 2020

## 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:** **509 Electronic Financial Transaction Policy**

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:

Changes are being requested to update the Policy to meet current industry standards. In addition, the specific vendor references were removed.

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

- **Office/Department/Name and the date submitted**  
Vice President of Finance and Administration 11/24/20, Vice President of Information Technology 6/9/20
- **Email address of the person who should be contacted with revisions:** [carrie.a.petersen@nds.edu](mailto:carrie.a.petersen@nds.edu)

3. **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 509

#### **PAYMENT CARD AND ELECTRONIC FUNDS TRANSFER (EFT) FINANCIAL TRANSACTION POLICY**

SOURCE: NDSU President

The purpose of this policy is to outline payment card and/or EFT acceptance methods suitable for University business and the usage restrictions for payment card transactions.

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The Division of Finance and Administration and the Division of Information Technology are responsible for campus compliance of payment card and/or EFT processing and security regulations. These Divisions are granted authority to take appropriate action to ensure conformity and compliance with University policies and procedures.

- All individuals NDSU departments and colleges that conduct who participate in payment card or EFT processing on behalf electronic-based financial transactions of NDSU which involve the transfer of credit/debit card or Electronic Funds Transfer (EFT) information must be compliant with Payment Card Industry Data Security Standards (PCI DSS), all applicable laws and mandates, and North Dakota University System and NDSU policy and procedures.
- All merchants engaged in any form of payment card or EFT acceptance (e.g. point of sale, swipe, or e-commerce) must have the approval of the Vice President of Finance and Administration or their designee and the Vice President of Information Technology or their designee prior to engaging in any commerce activity. No merchant may enter into any contracts or otherwise arrange for payment transaction processing, or obtain any related equipment, software, or services without the involvement and approval of the Vice President of Finance and Administration or their designee and the Vice President of Information Technology or their designee. electronic-based financial transactions of NDSU that involve the transfer of credit/debit card or EFT information must be performed through the North Dakota University System application, TouchNet, or through an NDSU approved third party vendor, or on systems provided by Information Technology Division (IT Division) for this purpose. All specialized servers and other electronic equipment which have been approved for this activity must be housed within IT Division, and administered in accordance with the requirements as set forth by PCI DSS, all applicable laws and mandates, and North Dakota University System and NDSU policy and procedures.
- Entities wishing to use TouchNet must file a request with the NDSU Customer Account Services Department ([ndsu.customer.account@ndsu.edu](mailto:ndsu.customer.account@ndsu.edu)). Entities that use TouchNet for a purpose other than that which was approved will be required to stop electronic payment transactions. All payment card and EFT activity by agents of NDSU must be established within the University banking and accounting environment with receipts deposited into the Bank of North Dakota, unless an exception is approved by the Vice President of Finance and Administration and the Vice President of Information Technology, and the Bank of North Dakota.
- Exceptions to this policy may be granted only after a written request from the unit has been reviewed and approved by the Vice President for Finance and Administration and the Vice President for Information Technology or their designees. Payment card transactions may only be accepted via walk-in (face-to-face) payment, telephone, mail, or customer-initiated online payment. No merchant may accept a payment card transaction via email, fax, or any end-user messaging technology. Use of a website that collects payment card information requires authorization by the Vice President of



Finance and Administration or their designee and the Vice President of Information Technology or their designee.

~~5. The NDSU official online payment system is provided by TouchNet. Anyone wishing to accept online payment card or EFT transactions must use TouchNetNDSU's official online payment system, unless an exception by the Vice President of Finance and Administration or their designee, and the Vice President of Information Technology, or their designee is granted. All online transactions must be customer-initiated; that is, NDSU merchants may not enter customer payment information into their website on a customer's behalf; nor may they provide computers as "virtual terminals" to customers on their premises. TouchNet has two products that NDSU merchants may request to utilize—Marketplace, which is an online storefront product; or the TouchNet Payment Gateway, which offers secure payment processing for selected third-party vendors.~~

~~4.~~

~~6. Vendors using NDSU facilities to conduct business are to ensure that they comply are compliant with all PCI DSS standards and guidelines. NDSU is not required to provide internet services to vendors doing business on campus to access credit card payment processors; it is the vendor's responsibility to specifically request such services through the Vice President for Finance and Administration, and the Vice President for Information Technology Services, or their designee. Vendors on campus can use the Vendor Request to Process Credit Card and Electronic Fund Transactions Utilizing (Outside) Third-Party-Online-Processor formThird Party Internet Acceptable Use Form to request access.~~

~~5.7. Appropriate action up to an including suspension or termination of payment card and/or EFT processing activities will be imposed for a merchant that violates NDSU Policy 509.~~

~~6.8. Definitions~~

~~a. Electronic Funds TransactionTransfer: Commonly referred to as "EFT" or "ACH". The term "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes but is not limited to: point of sale transfers, automated teller machine transactions, direct deposits or withdrawals of funds, and transfers initiated by telephone or online. This term does not refer to transactions initiated by the customer directly with their financial institution, which are then sent to NDSU's financial institution. is used for a number of different concepts such as cardholder-initiated transactions, where a cardholder makes use of a payment card (e.g., credit or debit card); electronic payments by businesses, including salary payments, electronic check clearing.~~

~~—TouchNet: Third party vendor and software for campus online billing and payment processing which follow applicable PCI-DSS standards and guidelines.~~

~~b. Processing Method: The means by which merchants accept payment cards or EFT payments.~~

~~c. Payment Card: Any credit, debit, or pre-paid credit/debit card. All payment card activity for North Dakota State University is supervised by Customer Account Services.~~

~~b.~~

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~~e.d.~~ Payment Card Industry Data Security Standards (PCI DSS): The PCI DSS ~~is the result of collaboration between was developed by~~ the major credit card brands to develop a single approach to safeguarding sensitive data. Merchants engaged in any form of payment card processing must comply with these standards as a condition of their payment card processing contracts. A copy of the PCI DSS can be obtained from Customer Account Services or the Information Technology Security Office. ~~companies as a guideline to help organizations that process card payments prevent credit card fraud, hacking and various other security issues. A company processing, storing, or transmitting credit card numbers must be PCI DSS compliant or they risk losing the ability to process credit card payments. The current version of the standard (1.1) specifies 12 requirements for compliance, organized into six logically related groups called control objectives. For more information please see [https://www.pcisecuritystandards.org/security\\_standards/pci\\_dss.shtml](https://www.pcisecuritystandards.org/security_standards/pci_dss.shtml)~~

For related procedures see the Electronic Financial Transaction Procedure #509.

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HISTORY:

New	June 2008
Amended	January 2009
Amended	June 2009
Amended	January 26, 2011

## IX. General Order

### 1. Amendment of Article IV, Section 5 of Faculty Senate Bylaws

Given the importance of making NDSU a more equitable and inclusive community, and in the context of Faculty Senate's priority in this respect, the membership of the Faculty Senate Standing Committee on Equity and Diversity appears to be misaligned with that goal.

In order to leverage the contribution of a wide variety of perspectives from units on campus, the members on this committee should be drawn from each representation unit. Therefore, the following narrow amendment is proposed to Article IV, Section 5 of the Faculty Senate Bylaws.

#### Article IV: Faculty Senate Standing Committees

##### Section 5. Equity, ~~and~~ Diversity and Inclusion

1. Voting membership (~~six~~ eight members):
  - a. ~~Five faculty members.~~ One faculty member from each representation unit.
  - b. One faculty representative from the Commission on the Status of Women Faculty
    - i. Recommended by the Executive Committee. The Executive Committee shall strive for representation from diverse groups.
    - ii. Appointed by the President.
2. Non-voting membership (one member):
  - a. Vice Provost for Faculty Affairs and Equity.
3. Terms and limits:
  - a. Two-year term.
  - b. Limit of four consecutive terms.
4. Committee responsibilities:
  - a. Review, revise, and propose policies to ensure that rights and considerations of diverse groups or faculty are included in NDSU policy, practices, and procedures.
  - b. In particular, the committee will explore and identify ways that NDSU can be more inclusive for diverse faculty including women, people of color, LGBTQ (lesbian, gay, bisexual, transgender, and/or queer) people.

**NDSU FACULTY SENATE RESOLUTION  
ON ND SENATE BILL 2030 AMENDMENT**

Whereas the 67<sup>th</sup> North Dakota Legislative Session approved Senate Bill 2030 with an amendment creating “Section 2. Paragraph 3 of subdivision b of subsection 1 of section 15-10-48 of the North Dakota Century Code;” and

Whereas the amendment, as written, violates the First Amendment of the United States Constitution, which guarantees freedom of expression without government censorship or restriction by federal, state, or local government actors; and

Whereas the Morrill Land-Grant Acts of 1862 and 1890 directly pertain to North Dakota State University as providing liberal and practical education without restrictions to all its citizens; and

Whereas the American Association of University Professors (AAUP)’s Statement of Principles on Academic Freedom and Tenure (1940) clearly establishes academic and research freedom as the core principles on which institutions of higher education are based; and

Whereas legislative overreach via this amendment threatens accreditation by the Higher Learning Commission for higher education institutions as well as specific professional programs; now, therefore, be it

*Resolved*, that the North Dakota State University Faculty Senate opposes this amendment and strongly objects to conditioning NDUS institutions’ eligibility for state financial appropriations on the nature of academic and research pursuits.

## **X. New Business**

### **2. Proposed Amendments to Council of College Faculties Constitution and Bylaws**

The Council of College Faculties (CCF) approved a couple of minor revisions to its constitution and bylaws that need approval from each NDUS campus's faculty senate. The goal is to have them approved on each campus during February or during the first week of March. They should be approved prior to the CCF's March 9<sup>th</sup> meeting.

The revisions are primarily changing the election date and eliminating the position of treasurer since CCF does not have any funds.

THE CONSTITUTION OF THE NORTH DAKOTA UNIVERSITY SYSTEM'S COUNCIL  
OF COLLEGE FACULTIES

The faculties of the campuses in the North Dakota University System, to  
organize for their mutual benefit a structure within which they may:

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(a) identify the interests shared among System faculty;

(b) identify interests in teaching, research, and service shared by faculty

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appointed to institutions with like roles and missions; and compare them with

interests not necessarily shared by faculty appointed to institutions with

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differing roles and missions;

(c) work together to find ways to agree regarding their interest as System faculty;

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(d) assist the System and the State Board of Higher Education in their duty to improve

higher education by ministering to the needs and proper development of each

institution, in harmony with the best interests of the people of North Dakota;

(e) assist the System in its duties to coordinate and correlate the diverse work in the  
different institutions and to develop cooperation among the institutions;

(f) reach agreement on, and identify disagreement in, the views of faculty matters of  
interest to or pending before the System and the State Board of Higher Education;

(g) communicate their agreement or disagreement to the System and the Board in a  
manner which respects and presents any disagreement as clearly as it reports  
agreement;

(h) communicate to the System and the Board, through the faculty representative to the  
Board, the agreement of faculty at institutions with like roles and missions, as well as  
issues with which faculty at other institutions are not in accord;

(i) proceed in a manner that informs the System and the Board of the diversity of  
views on issue(s) so that the Board might perform its governing role for the benefit of  
the entire system;

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do establish this Constitution of the North Dakota University System.

NAME

The name of this organization shall be North Dakota University System Council of College Faculties, referred to hereafter as the Council.

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II

PURPOSE

The purpose of the Council shall be to foster quality in scholarly activities, teaching, and learning, and to consider all issues and conditions of employment which apply to the faculty at all campuses of the system. Furthermore, the Council's representative to the State Board shall articulate these concerns to the SBHE, the System, and other organizations

III

MEMBERSHIP

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(a) The Council membership shall consist of faculty representatives from each campus as selected by procedures defined by and for each campus in the System. The representative members and alternates from each institution shall have full rights to discussion and deliberation. An alternate may vote only in the absence of a member from that campus. No proxy votes will be allowed.

(b) Each representative shall serve a three-year term.

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(c) Representatives must act as a liaison between the Council and their respective campus faculty governance organizations.

(d) The number of representatives shall be based on the percentage of the total System faculty at a given campus as established by the SBHE FTE faculty allotment.

0.0 to 4.00% one representative

4.01 to 10.00% two representatives

more than 10.00% three representatives

Adjustments to the number of representatives shall be made annually based on SBHE

data as of April 15 of each year. [Representation shall be certified as an agenda item of the May meeting.](#)

Representatives will assume duties at the first meeting following September 1 of each year.

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IV

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MEETINGS

The Council must meet at least three times throughout the academic year, including a meeting in May. Additional meetings may be called as deemed necessary by the President of the Council or by a majority vote of the members. Meetings will be conducted according to Robert's Rules of Order, [the](#) latest addition. Fifty (50) percent of the membership plus one (1) shall constitute a quorum.

V  
OFFICERS

The elected officers shall consist of a president, a vice president, a secretary, a parliamentarian, and a representative to the SBHE. Election of officers for the next academic year will occur at the [April meeting](#). The terms of office shall be for one year commencing June 1st, except for the representative to the SBHE, whose term shall be for one year commencing July 1st.

**Section A. President**

1. The President shall preside at Council meetings and otherwise act as the chief executive officer of the council

**Section B. Vice President**

1. The Vice President shall preside at meetings in the absence of the president, act as liaison to the Academic Affairs Council, and carry out duties as assigned.

**Section C. Secretary**

1. The Secretary shall record and maintain a file of minutes of the Council meetings and distribute copies within two weeks after each meeting to all Council members, SBHE members, the Chancellor, and the members of the Chancellor's Cabinet. [The minutes will be placed on the NDUS website within one month after approval at the next Council Meeting.](#)

2. The Secretary shall keep a record of [the](#) membership and activities of the Council.

**Section D. [Parliamentarian](#)**

**[1. The Parliamentarian shall advise the Council on parliamentary procedure and act as liaison to the Student Affairs Council](#)**

**Section E. Representative to the SBHE**

1. The Council shall be the organization identified [in Chapter 15-10 "The State Board of Higher Education" Section 15-10-02.2 "Membership of state board of higher education-Advisor" of the North Dakota Century Code that shall select the SBHE representative.](#)

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2. The Treasurer shall serve as Parliamentarian.

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2. The Representative to the SBHE shall report to the SBHE the actions and concerns of the Council as agreed to by the Council.

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3. The Representative to the SBHE shall report to the Council the actions and concerns of the SBHE.

**Section F. Vacancies**

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1. Vacancies occurring during a term of office shall be filled by a vote at the next scheduled meeting after the vacancy occurs.

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QUALIFICATIONS, NOMINATION AND ELECTION OF OFFICERS

**Section A. Qualifications**

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1. Any member of the Council shall be eligible to hold any office.

2. Any member completing his or her term on the Council remains eligible to serve as representative to the SBHE for two years following the end of that Council term.

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**Section B. Nominations**

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Nominations shall be made from the floor at any meeting or in writing no later than March 15th.

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**Section C. Election**

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The election of officers will be by majority vote of the members voting at the April meeting. If more than two candidates are competing for an office, and no one receives a majority, a run-off between the top two will be held at the same meeting.

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VII

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RATIFICATION AND AMENDMENTS

**Section A. Ratification**

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This constitution must be approved by at least two-thirds (2/3) of the members of the Council of College Faculties present and voting.

After approval by the Council of College Faculties, this constitution must be submitted to

the faculty governing bodies in the North Dakota University System and ratified by two-thirds (2/3) of those bodies.

After consideration and approval by the State Board of Higher Education, this

constitution shall become effective immediately.

**Section B. Amendments**

Amendments to the constitution may be introduced by any member of the Council at any regularly scheduled meeting. Proposed amendments shall be distributed to all members of the Council at least 30 days before the meeting at which they are to be considered.

Amendments must be approved by at least two-thirds (2/3) of the members present and voting of the Council. After approval by the Council, amendments must be submitted to the faculty governing bodies in the North Dakota University System and approved by two-thirds (2/3) of them.

After consideration and approval by the State Board of Higher Education, amendments shall become effective immediately.

VIII

The council may establish by-laws consistent with this constitution.

BY-LAWS

**Section I. Council Agenda**

The President, with advice from officers and members, will set an agenda before each scheduled meeting. The agenda must be distributed to all campus representatives, SBHE members, the Chancellor, and the Chancellor's Cabinet at least one week in advance of the meeting.

**Section II. Council Functions**

1. Liaisons

The Council shall establish formal liaisons with the SBHE, Academic Affairs Council, Chancellor's Cabinet, and other groups deemed appropriate by the Council.

2. Recall and Initiative

Any motion passed by the Council may be rescinded by a vote of two-thirds (2/3) of the campus faculty governance organizations. Motions may be placed on the Council agenda for consideration by a two-thirds (2/3) vote of campus faculty

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governance organization<sub>s</sub>.

### 3. Faculty Compensation Committee

#### A. Purpose:

The Faculty Compensation Committee shall consult with the Chancellor on faculty compensation issues.

#### B. Membership:

The committee shall consist of the Executive Board of the Council of College

Faculties ([president, vice-president, secretary, parliamentarian and SBHE representative](#)), a faculty member from each of the NDUS Campuses, and

representative of the NDUS Staff ([Vice Chancellor for Administrative Affairs/CFO and Director, Human Resources](#)) as ex-officio, nonvoting members. The

representative faculty member will be selected by procedures defined by and for each campus in the system.

#### C. Responsibilities:

1. The committee will assist the Chancellor with a study of faculty compensation and the findings.

2. The committee will submit recommendations to the Chancellor and the State Board of Higher Education [before](#) submission of the biennial budget request.

3. The committee will present its recommendation to the Council of College Faculties, the Chancellor, and any other person or group deemed necessary.

4. The responsibilities of this committee include all direct and indirect facets of faculty compensation.)

### Section III. Amendments to By-Laws

Amendments to the By-Laws may be introduced by any member of the Council at any regularly scheduled meeting. Proposed amendments shall be distributed to all members of the Council at least 30 days before the meeting at which they are to be considered.

Amendments must be approved by two-thirds (2/3) of the members present and voting.

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### History

Approved by the North Dakota University System Council of College Faculties February 12, 1992. Ratified by the institution senates of the campuses in the North Dakota University System by May, 1992.

Amended January 26, 1999, by unanimous consent of the CCF and ratified by the campuses by April 20, 1999. Approved by the SBHE April 29, 1999.

Amended February 2008 by unanimous consent of the CCF and ratified by the campuses in September of 2008. Approved by the SBHE ????

[Amended January 19, 2021 by unanimous consent of the CCF and ratified by the campuses by March XX, 2021. Approved by the SBHE April XX, 2021.](#)

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## **X. New Business**

### **3. Proposed Amendments to the Constitution of the North Dakota General Education Council**

At the Council's last meeting, the constitution was amended. These amendments need to be approved by 2/3 of voting faculty members in governing bodies of the institutions that have membership in NDGEC (all NDUS institutions + tribal colleges).

For NDSU, this means that the amendments to the constitution need to be approved by the Faculty Senate. The revisions are minimal, mostly having to do with how officers are elected.

## THE CONSTITUTION OF THE NORTH DAKOTA GENERAL EDUCATION COUNCIL

The colleges and universities in the North Dakota University System and private and tribal colleges and universities do establish this General Education Constitution which shall:

- (a) identify the interests shared among faculty regarding General Education;
- (b) identify and support particular General Education interests in teaching, research, and service shared by faculty appointed to colleges and universities, hereafter referred to as institutions, with like roles and missions;
- (c) promote a continuing dialogue to compare those interests from similar institutions with those General Education interests shared by faculty appointed to institutions with differing roles and missions;
- (d) work together to promote the interests of General Education across the state at public, tribal, and private institutions;
- (e) coordinate the diverse General Education programs among these institutions and develop cooperation among these institutions, while respecting the differing missions of these institutions;
- (f) provide a forum for campuses from across the state to improve their efforts in designing, assessing, implementing, and evaluating General Education programs and teaching and learning within those programs;
- (g) assist the State Board of Higher Education and other governing bodies in their duty to improve higher education by ministering to the needs and proper development of General Education at each institution, in harmony with the best interests of the students and the people of North Dakota;
- (h) proceed in a manner which informs the System, the Board, and other governing bodies of the diversity of views on General Education issues so that they might perform their governing role for the benefit of the entire system.

I

### NAME

The name of this organization shall be the North Dakota General Education Council.

II

### PURPOSE

The purpose of the Council shall be to foster discussion and collaboration in reviewing General Education practices, assessment, and outcomes across institutions of higher learning in the state of North Dakota. Our vision of General Education is grounded in the work of the Higher Learning Commission and its "Statement on General Education" which defines General Education as being "intended to impart common knowledge and intellectual concepts to students and to develop in them the skills and attitudes that ...faculty believe every educated person should possess. From...general education a student acquires a breadth of knowledge in the areas and proficiency in the skills that...[the faculty] identifies as hallmarks of being college educated. Moreover, effective general education helps students gain competence in the exercise of independent intellectual inquiry and also stimulates their examination and understanding of personal, social, and civil values." It is the intent of the council to help each institution ensure that all students who complete

general education possess a common core of college-level skills and knowledge that reflects a shared experience in academic foundations and provides a basis for transferability.

### III MEMBERSHIP

(a) The Council membership shall consist of two representatives, at least one of which must be a faculty member, and one alternate from each participating public, private, and tribal campus as selected by procedures defined by and for each campus. It is suggested that both members be directly involved in the implementation of General Education on each campus. The representative members and alternates from each institution shall have full rights to discussion and deliberation. An alternate may vote only in the absence of a member from that campus. No proxy votes will be allowed.

Non-voting members of the council will include the Vice Chancellor for Academic Affairs, the Director of Articulation and Transfer, a registrar member of the NDACRAO, one student representative (rotating among public, private and tribal campuses), a workforce representative invited by the Council, one representative each from the North Dakota Association of Tribal Colleges, the Department of Public Instruction, the Department of Career and Technical Education, the Council of College Faculties, and other invited ad hoc members.

(b) Each voting representative shall serve a three year term.

(c) Representatives must act as a liaison between the Council and their respective campuses.

### IV MEETINGS

The Council must meet at least four times throughout the academic year. Additional meetings may be called as deemed necessary by the President of the Council or by majority vote of the members. Meetings will be conducted according to Robert's Rules of Order, latest addition. Fifty (50) percent of the membership plus one (1) shall constitute a quorum.

In addition to the above meetings, the Council will organize and host at least one General Education Summit per academic year. The site of the summit will be determined at least four months prior to the date of the summit. Attendance at summits will be open to any individuals from any campus with a vested interest in General Education, no matter the role they have on their individual campus. It is expected that attendees be both from among the faculty and administration of each campus. The purpose of a summit is to have the Council report on its actions and to solicit input from attendees as to how to best proceed with a common General Education agenda for the state of North Dakota. Summits may include topic specific themes, activities, speakers, and/or workshops.

### V OFFICERS

The elected officers shall consist of a president, a vice president, a secretary, and a treasurer/parliamentarian. ~~Election of officers for the next academic year will occur at the next to-~~

~~last Spring meeting.~~ *Election of officers for the next academic year will occur at the final Spring meeting.* The terms of office shall be for one year commencing June 1st.

#### Section A. President

1. The President shall preside at Council meetings and otherwise act as the chief executive officer of the council.

#### Section B. Vice President

1. The Vice President shall preside at meetings in the absence of the president.

#### Section C. Secretary

1. The Secretary shall record and maintain a file of minutes of the Council meetings and distribute copies within two weeks after each meeting to all Council members.
2. The Secretary shall keep a record of membership and activities of the Council.

#### Section D. Treasurer

1. The Treasurer shall keep an account of any and all receipts and expenditures of the Council and coordinate reimbursements.
2. The Treasurer shall serve as Parliamentarian.

#### Section E. Vacancies

1. Vacancies occurring during a term of office shall be filled by a vote at the next scheduled meeting after the vacancy occurs.

## VI

### QUALIFICATIONS, NOMINATION AND ELECTION OF OFFICERS

#### Section A. Qualifications

Any voting member of the Council shall be eligible to hold any office.

#### Section B. Nominations

~~Nominations shall be made from the floor or in writing at least 30 days prior to the election of officers.~~ *Nominations shall be made at least 30 days prior to the election of officers. They may be made from the floor at a previous meeting, or in written communication.*

#### Section C. Election

The election of officers will be by majority vote of the members. If more than two candidates are competing for an office, and no one receives a majority, a run-off between the top two will be held at the same meeting.

## VII

### RATIFICATION AND VOTING

#### Section A. Ratification

This constitution must be approved in its totality by at least two-thirds (2/3) of the attendees



present and voting at one of the regularly scheduled General Education Summits. After approval by the Summit attendees, this constitution must be submitted to the highest level faculty governing body on each campus and to the State Academic Affairs Council and ratified in its totality by two-thirds (2/3) of participating campuses no later than thirty days prior to the next General Education Summit. After consideration and approval by these bodies, this constitution shall become effective immediately.

#### Section B. Voting

For voting purposes, proposed actions may be introduced by any member of the Council at any regularly scheduled meeting. ~~If any of these actions involve amendments to the constitution, these amendments shall be distributed to all members of the Council at least 30 days before the meeting at which they are to be considered. Amendments must be approved by at least two-thirds (2/3) of the members present and voting of the Council. After approval by the Council, amendments must be submitted to the appropriate governing bodies and approved by two-thirds (2/3) of them. After consideration and approval by these bodies, amendments shall become effective immediately.~~

#### Section C. Amendments

Amendments to the constitution may be introduced by any member of the Council at any regularly scheduled meeting. Proposed amendments shall be distributed to all members of the Council at least 30 days before the meeting at which they are to be considered. Amendments must be approved by at least two-thirds (2/3) of the members present and voting of the Council. After approval by the Council, amendments must be submitted to the faculty governing bodies in member institutions and approved by two-thirds (2/3) of them. *After consideration and approval by these bodies, amendments shall become effective immediately.*

Effective Date: October 1, 2011

Revised: October 13, 2012

## 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 [ndsucc@ndsucc.edu](mailto:ndsucc@ndsucc.edu) first so that a clean policy can be presented to the committees.*

**SECTION:** Policy Number and Name **152.2- Membership in Professional and Service Organizations**

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: When representing NDSU, these costs should not be the responsibility of the employee. Current Policy 812.12 contradicts Policy 152.2
- Delete the policy that dues and membership fees are an employee's personal responsibility and replace the language in 152.2.2 with the language from Policy 812.12, which currently allow these costs.
- **Responsible Office approved with revision: Keep the following text in #2)** All such funded memberships must be approved by the employee's supervisor who has budgetary responsibility for the unit or division. For the colleges of the University, this shall mean the Dean.

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

- **Senator Andrew Green**
- **[Andrew.J.Green@ndsucc.edu](mailto:Andrew.J.Green@ndsucc.edu)**

*This portion will be completed by Ann Fredrickson.*

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):**

**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 [ndsucc@ndsucc.edu](mailto:ndsucc@ndsucc.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 152.2 MEMBERSHIP IN PROFESSIONAL AND SERVICE ORGANIZATIONS

SOURCE: NDSU President

1. Employees are encouraged to join and participate in professional and service organizations.

~~2. Normally, dues and membership fees are the employee's own personal responsibility. The University may pay organization or institutional fees in professional and service organizations when the membership is regarded, either by the organization or the University, as an institutional membership or is otherwise considered directly beneficial to the University. In such cases, all benefits of membership, such as resource materials, belong to the University. All such funded memberships must be approved by the employee's supervisor who has budgetary responsibility for the unit or division. For the colleges of the University, this shall mean the Dean. All such funded memberships must be approved by the employee's supervisor who has budgetary responsibility for the unit or division. For the colleges of the University, this shall mean the Dean. The cost of individuals' memberships, which are incurred primarily to represent the institution in business, technical, and professional organizations are allowable. Costs of the institution's subscriptions to business, professional, and technical periodicals are allowable. If the subscription is in the name of an individual, the cost is still allowable provided the subscription is received at an on-campus address.~~

~~2.~~

~~3. Paid membership fees in professional and service organizations are also allowable when they are an allowable cost pursuant to a sponsored grant or contract pursuant to NDSU Policy 812(12). Approval must still be obtained pursuant to subsection 2.~~

~~4. No other funded memberships are authorized unless specifically approved by a Vice President or the President.~~

~~3.~~

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HISTORY:

New December 1993

## 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:** Policy Number and Name 158.1 E-MAIL AS AN OFFICIAL COMMUNICATION  
METHOD FOR EMPLOYEES

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: (1) update definition of email redirection, (2) clarify business use of email, (3) clarify process for approval of email redirection.
2. This policy change was originated by (individual, office or committee/organization):
  - VPIT 10/28/2020
  - [Marc.wallman@nds.edu](mailto:Marc.wallman@nds.edu), [cece.rohwedder@nds.edu](mailto:cece.rohwedder@nds.edu), [Enrique.garcia@nds.edu](mailto:Enrique.garcia@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.

3. 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 158.1

#### E-MAIL AS AN OFFICIAL COMMUNICATION METHOD FOR EMPLOYEES

SOURCE: NDSU President

##### 1. POLICY STATEMENT

Electronic mail (e-mail) sent to and received from @ndsu.edu, like postal and campus mail, is an official means by which the University communicates with employees. NDSU exercises the right to send e-mail communication to employees and expects that e-mail communication is received and read by employees in a timely manner.

##### 2. RATIONALE

Employees may have several addresses. Determining where to send official communication can be challenging, especially when there may be an emergency. Electronic communication is convenient, fast, cost-effective, environmentally advantageous and readily available. E-mail has been designated as an official communication medium by the University.

##### 3. DEFINITIONS:

###### 3.1 Employee(s)

See definition of employee as described in [NDSU Policy, Section 101, Personnel Definitions](#).

###### 3.2 Official E-mail Address

An e-mail address assigned to an individual by the NDSU Information Technology Division (NDSU IT).

###### 3.3 Official E-mail Communication

An e-mail message regarding official University business sent from an NDSU employee or departmental representative.

###### 3.4 Employee Official Electronic Mailing List

A mailing list populated with official e-mail addresses of all employees for official communication. Employees are expected to read and act appropriately on all messages sent to this list.

###### 3.5 Redirected E-mail

E-mail redirected **or forwarded** from an official e-mail address to an address not issued by NDSU IT (e.g., jane@gmail.com, john.smith@cs.ndsu.edu).

#### 4. SCOPE

This policy applies to all NDSU employees.

#### 5. EMPLOYEES USE & RESPONSIBILITIES

Security and Appropriate Usage: Employees are required to comply with all institutional and University System policies and procedures, especially North Dakota University System 1202.1 Acceptable Use of Information Technology Resources Policy and [NDSU Policy Section 158, Acceptable Use of Electronic Communications Devices](#), and relevant local, state, and federal law.

##### 5.1 Account Monitoring

Employees are responsible for monitoring their e-mail for official campus communication, and have the responsibility to recognize that certain communication is time sensitive. Supervisors are responsible for notifying employees with limited access to e-mail of time-sensitive communications.

NDSU reserves the right to monitor an e-mail account for suspected inappropriate usage.

##### 5.2 Special Accommodation

Employees with a disability who are unable to use e-mail as an official University communication may request an exemption to this policy in the form of an alternate format accommodation. To request accommodation refer to [NDSU Policy Section 168](#).

##### 5.3 E-mail Problems

So as to not interfere with the receipt of official University communication, employees can report any technical problems in accessing or using their official e-mail addresses and accounts to the NDSU IT Help Desk. The Help Desk may be reached through e-mail, [NDSU.helpdesk@ndsu.edu](mailto:NDSU.helpdesk@ndsu.edu), and by calling 701-231-8685.

##### 5.4 Additional Requirements

Additional requirements may be imposed by administration, colleges, divisions, and other entities within the University. Employees are responsible for accessing, reading, and responding to their e-mail in a timely manner.

#### 6. UNIVERSITY USE OF E-MAIL

##### 6.1 Campus Wide Announcements

The University works to minimize the number of messages sent to employees. Official messages sent to employees are to be sent through the official mailing lists. These lists are moderated by NDSU officials.

## 6.2 Mail Formatting

Contact information for the originating employee and department must be clearly denoted in the message signature. To maintain consistent branding standards across all forms of communication at NDSU, it is recommended that employees use one of the standard NDSU e-mail signature [options](#).

## 6.3 Attachments

In order to facilitate the timely operation of NDSU's e-mail system and to minimize the amount of storage required to deliver this service, it is recommended that attachments not be included in e-mail announcements sent to large groups such as the NDSU employee official e-mail lists.

## 6.4 Business Use of E-mail

Individuals' NDSU official e-mail addresses are to be used in accordance with the business of the University and for purposes directly related to their position and/or job functions. Official e-mail addresses may not be used for conducting personal business. Incidental personal use is allowed and is to be determined by the respective dean, provost, vice president, president, director, department chairperson, or department head. Personal use must follow all applicable NDSU policies and laws. [Use of email to store or transmit social security numbers, dates of birth, credit card numbers, or any similarly sensitive pieces of information is explicitly disallowed for both business and incidental personal use.](#)

## 6.5 E-mail Sent by Employees

In efforts to protect privacy and better ensure authenticity, University administration, colleges, divisions, and other entities within the University require that e-mails which request a response or are in direct relation to duties and job functions, be sent via official e-mail addresses.

## 7. E-MAIL SERVICE REQUIREMENTS

### 7.1 Initial E-Mail Assignment and Service Setup

E-mail accounts, which create electronic identities and assign e-mail addresses, are automatically set up for new employees by the NDSU Information Technology Division upon acceptance of employment to the University. E-mail addresses are free of charge and remain active as long as the person is employed by the University, or as approved by the respective dean, provost, vice president or president.

### 7.2 Activating E-mail

After initial e-mail account setup, employees must activate their e-mail addresses and accounts. Instructions are available on the [NDSU Help Desk Website](#).

### 7.3 Redirecting of NDSU E-mail

Official University electronic communication is sent to the @ndsu.edu address. ~~The redirecting of @ndsu.edu email is strongly discouraged. If employees choose to have their e-mail redirected from their official e-mail address to another provider (e.g., Yahoo, Hotmail, Gmail), they do so at their own risk. NDSU is not responsible for the redirection, management, and handling of e-mail by outside providers or from NDSU IT servers that are not centrally supported.~~ Failure to receive official University messages when using a non-official e-mail address does not absolve employees from the responsibilities associated with official communication sent to their @ndsu.edu addresses.

~~Employees wishing to redirect e-mail sent to their official NDSU e-mail address must formally request and receive permission their department head/chair, from their respective dean, provost, vice president, or president as well as the Vice President for Information Technology or designee.~~

~~If the request is approved, the employee's dean, provost, vice president, president, or designee must request the change for the employee's e-mail redirect by contacting the NDSU Help Desk.~~

~~All email messages that are redirected to a non-official email account. If employees choose to re-direct e-mail sent to their official NDSU e-mail address:~~

a. ~~That e-mail are~~ still subject to the North Dakota Public Records law, [NDCC 44-04](#), ~~regardless of the system this email resides in, and i~~ Individuals must comply with any public record requests and any requests made by NDSU.

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~~Employees wishing to redirect e-mail sent to their official NDSU e-mail address must formally request and receive permission from their respective dean, provost, vice president, or president to redirect their NDSU e-mail to a different e-mail address.~~

~~e. If the request is approved, the employee's dean, provost, vice president, president, or designee must request the change for the employee's e-mail redirect by contacting the NDSU Help Desk.~~

### 7.4 Privacy and Confidentiality

Communication via e-mail is subject to all of the same public information, privacy, and records retention laws as other forms of communication. While NDSU e-mail affords some measure of privacy, the redirecting of e-mail by employees to outside accounts and the sharing of messages with third parties may negate the privacy protection rights afforded to employees by the University.

### 7.5 University Spam Policy



In an effort to reduce the amount of spam the NDSU e-mail system must process, some messages considered to be spam or sent from known spammers are blocked. Use of additional spam fighting tools that delete official e-mail before it is read does not exempt individuals from the policy outlined in this document.

For more information on e-mail services, see [www.ndsu.edu/helpdesk](http://www.ndsu.edu/helpdesk) or [www.ndsu.edu/its](http://www.ndsu.edu/its).

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HISTORY:

New February 7, 2012  
Housekeeping June 15, 2018