CHAPTER 3
Criterion 2. Integrity: Ethical and Responsible Conduct

The institution acts with integrity; its conduct is ethical and responsible.
One of the five strategic priorities that the University of North Dakota (UND) describes in its Exceptional UND vision is to “facilitate collaboration.” The goal of this aspect of the vision is to promote innovative and productive collaboration among academic programs and disciplines, faculty, staff, and students, and in teaching, research and scholarly or creative activity, and with co-curricular or extracurricular activities both on and off campus. The basis for any productive collaboration is mutual trust between the cooperating parties. That trust is ensured by guidelines and policies that are not only codified but also understandable and available to all participants, including the public. In other words, to achieve the “facilitating collaboration” goal that UND has set for itself through the Exceptional UND process, it is essential that the University operate with integrity and engage in ethical and responsible conduct. These are the same values and traits described in the HLC’s Criterion 2.

The Integrity criterion is somewhat unusual in that documenting integrity in conduct means, essentially, failing to discover, even upon very close examination, a lack of integrity. For this self-study, team members determined that evidence of meeting the HLC Criterion 2 Integrity would be, at a minimum, the presence of policies addressing the core components and subcomponents. Stronger evidence would include ease of access to those policies. Strongest evidence would include indicators that UND applies the policies consistently, based on interviews with key University personnel or documentation of actions taken by them.

Keeping that rubric in mind, members of the self-study team searched for policies that addressed the various components of the criterion. Searches were undertaken first in a manner similar to what might be tried by a student, faculty or staff member, or member of the general public searching for such information (i.e., a naïve Web search). If information gaps remained after the Web searches, team members used knowledge of the system and sought out advice on where policies could be found. Finally, key players were interviewed to both find out more about polices and to determine how policies were being applied. Analyses of findings and conclusions about the University’s compliance with Criterion 2, using this method of investigation, are provided within this chapter. The evidence demonstrates that the University meets or exceeds the Criterion Two standards.
2.A
THE INSTITUTION OPERATES WITH INTEGRITY IN ITS FINANCIAL, ACADEMIC, PERSONNEL AND AUXILIARY FUNCTIONS; IT ESTABLISHES AND Follows FAIR AND ETHICAL POLICIES AND PROCESSES FOR ITS GOVERNING BOARD, ADMINISTRATION, FACULTY AND STAFF.

Evidence for fair and ethical practice was sought in the policies in place for the University’s governing board (the State Board of Higher Education or SBHE), administrators, faculty and staff, and in the North Dakota University System (NDUS) procedures used for their implementation. UND provides direct links to policies on its Human Resources & Payroll Services website and encourages policy awareness though regular policy notice emails. Information about policies is easily accessible electronically and, for the most part, with minimum delay. Some policies are more difficult to locate or less consistent in providing readily accessible answers to likely questions (e.g., policies regarding student fees for a particular major, or listing of faculty credentials in a specific college.) Those have been identified and noted in the sections below, along with recommended strategies for improving policy access.

The Search Box on the UND home page, used in conjunction with the A-Z index, provides directions to Web pages that address the following issues related to ethical and responsible behavior within the University:

- Code of Conduct
- Code of Student Life
- Conflict of Interest

- Discrimination
- Ethics Policies
- Faculty Handbook
- Human Resources
- Nepotism
- Personnel
- Privacy Policy
- Recruiting Policy
- Student Life
- Student Responsibilities
- Student Rights

Additional information was determined to be available from many sources, including the Web pages for numerous units throughout the UND website, University departmental literature, policy manuals, catalogs, and interviews with significant persons in positions of responsibility, such as the Affirmative Action Officer, the Director of Human Resources & Payroll Services, the University Legal Counsel, and the Information Technology Security Officer.

The University goes to great lengths to ensure that stakeholders gain policy awareness and to protect its ethical integrity. For example, The North Dakota University System (NDUS) Chancellor recommended and the State Board of Higher Education (SBHE) approved the recommendation that all benefitted employees be required to watch a fraud video annually. As well, the Annual Notification of Policies is part of every new employee’s payroll packet. New employees must sign an acknowledgement of notification before the paperwork for hire is entered. UND sends ethics policies to all staff employees every year via a link to a Web application. For the last
Annual Policy Notice (May 2, 2011), a total of 6,454 emails were sent. Diane Nelson, then-Director of Human Resources & Payroll Services, reported in an interview that of that number, 73.5 percent of recipients acknowledged that they read and understood the policies. There were 3.4 percent that were known to have terminated employment during the gathering period. Of those who did not respond, 13.1 percent were student employees and graduate assistants, 4.5 percent were temporary staff and faculty, and 5.5 percent were regular benefitted faculty and staff.

A full list of the policies governing ethical and responsible behavior was compiled (See Appendix). Those policies are categorized by a title (e.g., “NDUS Personnel Procedures”), listed by website, and, for each policy, check-marked in the right-hand column to indicate their relevance to administration, faculty, or staff. Every category has items that appear in other categories as well, demonstrating that some degree of overlap in policy notice distribution occurs, thereby increasing the likelihood that stakeholders will have access to information about all relevant policies. For example, a faculty or staff member seeking to understand UND's Conflict of Interest policy can find that information in at least eight Web pages: University Senate Manual; Research & Economic Development, Ethical Conduct in Research (Faculty); Faculty Handbook; School of Medicine-Grants Management Conflict of Interest; Code of Conduct, Conflict of Interest; Conflict of Interest Policy for Employees; NDUS SBHE Policies – 308.1 Officer and Employee Code of Conduct; and SBHE Conflict of Interest Policy. Using the broad heading of “conflict of interest” as an example, UND policies for ethical conduct by faculty and staff address topics as divergent as: research conflict of interest, nepotism, recruitment, admissions, financial aid, privacy of personal information, and contracting. In the area of contracts, for example, a similar degree of redundancy and overlap occurs, confirming the University’s commitment to thorough distribution of policy information.

The abridged list below provides examples of Web pages outlining the policies governing the functions of the University, with several additional Web pages addressing policy described later in this chapter:

- The State Board of Higher Education (SBHE) is the policymaking body for the North Dakota University System (NDUS) and the state’s 11 public colleges and universities. Among the policies affecting its function as a governing board and for administrators, faculty and staff are three examples:
  - SBHE Policies
  - SBHE Policies: Financial Affairs
  - SBHE Policies: Governance and Organization

- A conflict of interest policy is found in many places (for faculty, staff, administrators and auxiliary persons). An example is auxiliary functions that have policies for regulation include:
  - Preference to North Dakota bidders, sellers, and contractors
  - SBHE Policies: Emergency Purchasing

- Eleven Web pages were identified that related to financial reports, purchasing practices and procedures, and audits of federal funds. Three
Among the policies of special interest on any campus are those that deal with concerns identified by faculty, staff, or students. The University provides direct links to NDUS and UND Human Resource policies on the UND Office of Human Resources website(s). There UND provides clear information regarding its procedures for receiving formal complaints and grievances.

Grievance policies are stated in a number of locations. Listings found in various locations provide consistent information.

- Faculty Handbook Section 2
- SBHE Policies: Hearings and Appeals
- SBHE Policies: Faculty Grievences
- Discrimination and Harassment Policy
- Code of Conduct

Various colleges and departments also have their own grievance policies:

- College of Engineering & Mines – follows UND Harassment policies (accessed November 30, 2011)
- College of Arts & Sciences – Grievance Policy – approved April 28, 2008 - more detail and requirements than NDUS 612
- School of Graduate Studies – policies and forms for student grievances (updated September 2011)
- School of Law – last modified Sept. 5, 2002

Examples of the University’s policies for financial issues are:

- SBHE Policies: Financial Affairs
- 2011 Annual Financial Report
- Financial Aid Policies

For employee code of conduct, three examples are:

- Faculty Handbook
- SBHE Policies: Officer and Employee Code of Conduct
- Faculty Handbook Section III

Academic policies are listed on at least 10 Web pages, among them:

- SBHE Policies: Academic Affairs (5/9/13)
- SBHE Policies: Academic Affairs (5/30/13)

Research and scholarly or creative activity is governed by such policies found at:

- Policy on Responsible Conduct of Research
- Conflict of Interest Policy

Likewise, personnel issues are guided by policies on 24 sites such as those found in the North Dakota Century Code (state law) and the NDUS site.

The University also ensures that its contractual partners behave ethically and responsibly in relation to any action on behalf of the institution. (Contracts are negotiable and can be terminated by either party.)

Guidelines concerning subcontractors, for bidders, sellers and contractors, dictate that they follow conflict of interest policy and perform ethically.
The Affirmative Action Office is the designated office of record for all discrimination and harassment complaints.

- **School of Medicine & Health Sciences:**
  - Department of Cytotechnology; Medical Lab Sciences; Histotechnology; Occupational Therapy; Physical Therapy; Physical Assistant Studies; and Sports Medicine — Grievance Policies for the departments and programs (no date) — on website
  - Resident Fair Process and Grievance Procedure — last revised June 8, 2004

- **UND Counseling Center:** Report provided on Nov. 28, 2011, with process for complaints against the Director, interns, practicum students, or graduate assistants, as well as against staff and student employees, which are posted publicly in the waiting area of the Center.

The University responds to formal grievances and complaints in a timely manner pursuant to the stated policies of the University. However, the University could benefit by more systematically analyzing the bases for grievances with the aim of addressing problems that may be the source of repeated or frequent grievances. Staff from units such as the Affirmative Action Office, Human Resources, Conflict Resolution Center, Disability Support Services, and the Divisions of Student Affairs, Academic Affairs, and Finance & Operations regularly address trends seen in complaints received by their offices for the purpose of suggesting improvements in policies and procedures relative, but there is no strategy for systematic tracking of themes across these units or by others. President Robert O. Kelley, however, endorsed recommendations received from the University Senate, the Staff Senate, and the Student Senate to create an **Ombuds office** within the University. A person is expected to be hired for this role by summer of 2013, and the analysis of themes, along with developing recommendations based on findings, is included among the responsibilities listed in the position description.

Procedures that may be used to resolve informal complaints and grievances are not specified by policy in most units of the University. Such complaints are often addressed during the daily process of communication among members of a community using common understandings of appropriate supervisory and reporting lines and duties, with the mutually understood goal of resolution short of formal process. For example, a staff member with a complaint can talk to a range of people from colleagues to a supervisor, faculty make complaints to their chair, and students go through various channels including academic department chairs, the Dean of Students, and the Director of Housing. Unless the complaint is formalized as a grievance, existing policies do not address procedures. Some members of the campus community use the services of the Conflict Resolution Center, the Human Resources & Payroll Services Office, or the Affirmative Action Office. While variation in informal practice is, at some level, to be expected in the absence of prescription, the new Ombuds role, in conjunction with increased use of the existing Conflict Resolution Center services, may serve to address the need for more effective informal means of addressing complaints and grievances. Further, a thorough review of the formal grievance policies and procedures would be timely.

The **Affirmative Action Office** is the designated office of record for all discrimination and harassment complaints. This includes complaints
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grounds’ to take the proposed action. At UND, the practice is to conduct the “pre-action review” as a face-to-face hearing conducted by a hearing officer, arranged by the HR Office. Once the hearing is complete, the hearing officer issues a written decision on whether the “reasonable grounds” standard has been met by the department. If it has been met, then the department typically proceeds with the proposed action and informs the employee by letter. If the “reasonable grounds” standard is not met, the hearing officer most often recommends an alternate action. The department then decides whether or not to take the recommended action and notifies the employee of its decision in writing.

Administering the policies for supervisors and managers to apply appropriate disciplinary action to correct violations of law, policy or rules is a major responsibility of the HR Office. Equally important is ensuring that employees are being treated fairly and consistently and are offered their rights under policy and law. In addition, the HR office offers HR-related education and guidance to supervisors and managers on good management practices in order to give staff employees the best opportunity to be successful in their jobs at the University of North Dakota.

With regard to complaints of harassment or discrimination, the University’s Affirmative Action Officer indicated that information is reported to government agencies depending upon the requirements. Workforce data on race and gender must be maintained and provided if requested. Data for IPEDS on race and gender are reported annually in the spring. Veterans reporting is required annually. Students attending UND and wishing to utilize Veteran Educational Benefits fill out the appropriate application for their needs and return it to the UND Veteran and Military Services office. The information is then sent to the
Department of Veteran’s Affairs for processing as required by the reporting agency.

Data on persons with disabilities will be a new required report. Complaints are not a required reporting element to any agency unless it is part of an audit or required documentation in a complaint response. Internal complaints are not reported externally. The external charging party and the accused are entitled to know the outcome of any complaint. If a disciplinary action is taken, that becomes part of a personnel record and can be accessed upon request as an open-records request pursuant to state law. For students, privacy under FERPA is required and release of information generally is not permitted, except to the charging party and the accused. Federal discrimination regulations, the Clery Act, and related legislation control what is public information.

- FERPA Information
- FERPA Privacy Release

The Affirmative Action Office handles about 60-plus complaints a year, with issues meriting follow-up addressed subsequently by those with responsibility for the pertinent area, such as the Dean of Students Office or Residence Services for complaints that involve students, or the University Police Department (UPD) for criminal activity such as criminal mischief or vandalism, sexual assault, or bias/hate crimes.

Information regarding policy and procedures for receiving complaints and filing grievances from students and other constituencies University-wide is transparent in the sense that it is available via accessing the Web page of Human Resources & Payroll Services and the new “toolbox” for employees and managers, through Web searches using UND’s A-Z Web index, and through the Academic Catalog. Additional transparency is available through the academic colleges or schools. Seven of eight colleges have college-specific information available on their sites. Transparency could be improved still further if such information were more consistently presented and available through college Web pages.

Privacy issues, concerns about retaliation, and due process for the parties involved are in place during investigations and determinations. Complaints to an investigative external agency are handled on a confidential basis and the University is precluded from discussing them publicly. In an interview, the Affirmative Action Officer reported,

Generally, there is limited access on a need-to-know basis. For example, if someone wanted to know about the scope of sexual harassment complaints and resolution on campus, [they] would contact the Affirmative Action Office, which can provide general information that should respond to most questions. AAO has to be informed from all of these areas as it is the office of record and may have an active role, depending upon the circumstances… Processes with external complaints are lengthy and often involve time periods of 18 months to several years to conclude. The University cannot release information because of retaliation concerns. Only the charging party and the accused are entitled to know the outcome of any complaint. If a disciplinary action is taken, that becomes part of a personnel record and can be accessed upon request as an open-records request.

The University’s Information Technology services were recently evaluated. The Department of Homeland Security (DHS) conducted a Cyber Security Review (CSR) on Nov. 29 and 30, 2011.
In sum, UND operates with integrity and acts responsibly in its actions with regard to its varied stakeholders and constituencies. It has many policies, procedures, and protocols to regulate and safeguard the behavior of its governing body, as well as its students, faculty, administrators, staff, and auxiliary parties. A multitude of materials, including hundreds of websites, documents, interviews, and personal correspondences, provide evidence in support of this conclusion.

The CSR was an interview-based assessment of the cyber-security management practices at UND conducted at the request of the CIO and Information Technology (IT) Security Officer. The final report was received on Feb. 8, 2012, and includes the assessment findings along with recommendations for improving UND’s cyber-security posture and preparedness. For security reasons, this document is encrypted.

The Annual Security Report is found online, and UND’s Information Technology Security Officer, Brad Miller, is available to provide more information for those with specific questions or concerns.
It is clear that UND provides its students, administrators, faculty, and staff with access to policies and procedures informing them of their rights and responsibilities within the institution.

2.B
THE INSTITUTION PRESENTS ITSELF CLEARLY AND COMPLETELY TO ITS STUDENTS AND TO THE PUBLIC WITH REGARD TO ITS PROGRAMS, REQUIREMENTS, COSTS TO STUDENTS, FACULTY AND STAFF, CONTROL AND ACCREDITATION RELATIONSHIPS.

Information is clearly listed, is redundant, and can be found on many different Web pages with minimal effort. The search for evidence regarding programs, requirements, costs, control, and accreditation relationships was conducted using the perspectives of different UND stakeholder groups. In this case, faculty and staff, students, administrators, and the general public constituted the main stakeholder groups. Given the nature of the areas under question; i.e., policies and procedures for such matters as grievances, discrimination, and misconduct, anonymity and privacy were assumed to be critical. Therefore, such searches would be most likely to occur through search terms entered into the main search box on the UND website and through the A-Z index. Relevant policies are redundantly listed through the Web pages for the Division of Finance and Operations, the Office of Human Resources & Payroll Services, the Faculty Handbook, and the Office of Research Development & Compliance, to name a few.

- SBHE Policies: Financial Affairs
- Research Development & Compliance (RD&C)

It is clear that UND provides its students, administrators, faculty, and staff with access to policies and procedures informing them of their rights and responsibilities within the institution. This information is all publicly available on the UND Web pages through searches with either the search box or the A-Z index, using any of the following terms:
- Code of Student Life
- Student Life
- Student Rights
- Student Responsibilities

Documentation on student policies and procedures is easily found via a variety of search terms, including all of those searched; most take users to the Code of Student Life.

To inform students, staff, and faculty of relevant policies, the University uses the Academic Catalog, which is accessible to all students as well as faculty, staff, and the general public; the Code of Student Life, of which notification is given to all new students; the Faculty Handbook, which is given to all faculty; the Code of Conduct for all employees; and, as described above, the human resources packet that all new hires receive and which is emailed annually. More detail on specific kinds of information is summarized below.

Requirements and Admissions

The online and print versions of the Undergraduate and Graduate Academic Catalog provide full descriptions of the requirements for programs, including all prerequisite courses, broken down by major or department. Information on the Medical and Law schools is somewhat less accessible, but still appropriately transparent. Department-specific advisors work with students one-on-one, and relevant information is provided as questions arise.
Requirements for admission to undergraduate programs, graduate programs, the Medical School, and the Law School are conveniently available online. Requirements for admission to Online & Distance Education Programs and Certificates are handled differently. Admission requirements are available on the Distance Education website. There is no overview page of admission requirements because the site contains a mix of undergraduate, graduate, and noncredit programs that vary in criteria, standards, and processes. Students click on a program of interest to find information specific to that program. Individual academic department admit students to programs offered online using the same criteria as for their on-campus programs. Rather than providing a page that summarizes admissions requirements, the Distance Education site includes a “Who Should Apply?” page for all distance degrees and graduate certificates. In addition, the site includes links to the Office of Admissions or the School of Graduate Studies for students seeking additional information or clarification.

Transfer Equivalencies
Online information on transfer equivalencies is provided through the A-Z index under “Transfer,” which leads searchers to a site for “Transfer Course Equivalencies.” Hundreds of online course-by-course transfer equivalencies by institution and five state-level agreements are provided to assist prospective students or others with questions about transfer.

Tuition and Fees
Most student costs, including tuition, fees, training and incidentals, financial aid policies, practices and requirements, as well as policies on refunds, are found online. Information available on the website includes:

- Undergraduate Tuition/Fees for: North Dakota Resident, Minnesota Reciprocity, Nonresident, Contiguous State, WUE/MHEC;
- Graduate Tuition/Fees: North Dakota Resident, Minnesota Reciprocity, Nonresident, Contiguous State;
- School of Law Tuition/Fees: North Dakota Resident, Nonresident, Contiguous State;
- Medical School Tuition/Fees: North Dakota Resident, Minnesota Reciprocity (first and second year), Nonresident, Contiguous State.

Tuition and fee information for 2012-2013 is available on a per-semester basis, for students taking 12 or more credits, according to student category (i.e., Undergraduate, Graduate, Law, Medicine, and Physical Therapy). Another location where students might be inclined to search for information regarding tuition, fees, incidentals, and training costs is in the Code of Student Life, and it would be helpful to have information (or instructions for finding information) available within that document.

Specific tuition and fee details for UND’s online academic courses and programs are not available on the Tuition and Mandatory Fees Web page. However, there are two sections on that page referring to tuition for distance learning programs, i.e., “Distance Engineering Degree Program” and
an aviation course that requires either a flight lab or an air traffic control lab. These charges support the use of specialized training equipment such as aircraft, flight training devices, and air traffic control simulators. The average charges per course are given to prospective and current students through a variety of means during the recruitment process. Actual charges vary from student to student, depending on individual proficiency. The average charges are also readily available at all times on the Department of Aviation website.

Financial Aid

Information on a wide number of policies regulating financial aid is available on the Web. On that site, students can find policies regarding various issues and question, including the following:

- Changes in financial situation
- Combined degree programs
- Cooperative education
- Dependency status
- Financial aid award process
- Repeated courses
- Satisfactory academic progress
- Study abroad verification
- Withdrawing or return of Title IV Funds
- Students who marry after completing the FAFSA
- FERPA
- UND Student Financial Aid Conflict of Interest Policy and Code of Conduct

Also included in the policies on that Web page is information for Undergraduate, Graduate,
Aviation, Law, Medical, International, Veterans and Military, Online & Distance, Families, and Staff. At another financial aid Web page, students can find information about applying for financial aid, reporting outside financial assistance, the aid award process, and requesting an award adjustment. Information on withdrawing or return of Title IV funds, refund of tuition/fees, repayment of financial aid, official and unofficial withdrawal, federal Title IV funds return, or unofficial withdrawals is also available online. Finally, financial aid policies can also be found in the UND Academic Catalog and in the Code of Student Life.

Academic good standing, probation and dismissal; residency or enrollment procedure

Policies on academic standing, residency, and enrollment are online. A number of related policies are available on that same site, including Residency Requirements, Enrollment Verification to Lenders, Admission to the University on Dismissal Policy, Probation Policy, Incomplete Policy, Attendance Policy, and others. The Academic Catalog provides information on undergraduate residency policy and undergraduate probation, suspension and dismissal policy. Similar policies for graduate students are also in the Catalog, including graduate probation, suspension and dismissal policies, and residency policies. Key academic policies are in both the Academic Catalog and the Code of Student Life. Students will find the Academic Probation/Dismissal Policy in the Catalog and the Satisfactory Academic Progress Policies on the Student Financial Aid website.

Faculty Credentials

A full list of instructors and their academic credentials is provided in the Academic Catalog. Both the online and the print versions of the Catalog include this list, as well as individual departmental lists of faculty on the pages for those departments. The list can also be accessed through the UND home page. Web searchers find the list by clicking on “Academics” from the main UND Web page and, from the Academics page, choosing a department from the listings. Once on the departmental page, the “Faculty and Staff” link found on most departmental pages takes users to a listing of faculty and contact information. In some cases, the link to faculty is labeled “People.” Many, but not all, of the departmental Web pages also include faculty credentials in some form, whether through brief descriptions or links to faculty curriculum vitae. Links for departments as varied as English, Counseling, Medicine, Computer Science, and Marketing, for example, include faculty credentials. However, some programs, such as Mathematics and Integrated Studies, do not include credentials at this time.

Information on faculty within the School of Medicine & Health Sciences (SMHS) is less conveniently accessible, although still available through telephone request or via departmental advisors who work one-on-one with students. Some departments in the SMHS, including, for example, Internal Medicine and Pediatrics, include no listing of faculty on their Web pages. However, the Web page notes that the number and locations of clinical faculty vary greatly, depending on departmental appointments and needs. They also note that faculty information can be obtained through the SMHS upon request.

Students searching for faculty for online and distance programs will not find that information on some of the obvious sites where they might search, including under Distance Degrees, Online
UND offers a variety of programs that require specialized accreditation or recognition in order for its students to be certified or to sit for licensing. College Courses, Certificates, and Online Courses for K-12 Educators. Such programs draw on faculty from multiple academic units. The Online and Distance Education Web page does, however, have a chat feature. By using that, a prospective student will learn that they can find faculty information by searching for courses on the Online & Distance Education website and then clicking on the faculty spotlight link. The semester-based online courses do not list faculty on the Distance site because multiple sections are offered and faculty information for all of those courses that may change each semester. However, all of the nine-month open enrollment correspondence courses list the instructor (e.g., Acct200: Elements of Accounting I). All distance degree and graduate certificate programs have a “faculty spotlight” as well as links to the academic department pages (e.g., Master of Science in Applied Economics).

Overall, faculty credential information is available, but finding that information sometimes requires a degree of searching or a willingness to ask questions. Developing consistent practices for posting information about faculty would enhance transparency.

Accreditation Information

UND offers a variety of programs that require specialized accreditation or recognition in order for its students to be certified or to sit for licensing. The list of accredited programs is accessible in the A-Z index as is the process for obtaining regional accreditation. A search for “Accreditation” takes users to a list of UND’s college- and school-level accreditors as well as a link to the Higher Learning Commission. The meaning of regional accreditation is expanded specific to the Higher Learning Commission self-study under the heading of “Higher Learning Commission.”

Some of the University’s programs eligible for accreditation are available at a distance. There is no information on the website to indicate which programs have distance locations, but the information was available through a call to the Office of the Vice President for Academic Affairs & Provost.

The Medical School Catalog states, “The School of Medicine & Health Sciences is fully accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges.” Area campuses in Bismarck, Fargo, Minot and Grand Forks are accredited by the Accreditation Council for Graduate Medical Education (ACMGE), which is included in the general University accreditation list. The Office of Medical Education provided this information by telephone, but it is not available in the Medical School Catalog or posted on the Web page. A naïve visitor to the list of accredited programs may be unable to discern whether the accreditation covers the various locations, but adding additional detail to existing listings could provide clarity.

The Occupational Therapy (OT) program has extensive information about its degree programs available on its Web page, including reference to their program’s location in Casper, Wyo. A single accreditation self-study covers the Grand Forks and Casper locations. The Higher Learning Commission (HLC) has visited the Casper site, according to Janet Jedlicka, OT Department Chair (personal communication), and the program and
Graduation Rates

Information about graduation rates can be obtained from the UND Web page or, in some cases, through Web pages for particular departments and programs. For example, Clinical Psychology includes a link to graduation rate information on the Web page designed to provide information about graduate degree programs in that field. The University provides information about graduation rates and a number of other subjects of possible interest through the Dashboard link on the Web page of the Office of Institutional Research.

Pass Rates

Pass rates are reported to the State Board of Higher Education and available in the Progress Report FY 2011 (Pages 5-6) posted through the Office of Institutional Research (OIR). This documentation is unlikely to be easily accessed by someone unfamiliar with the University’s website. Since “pass rates” has no listing in the A-Z index, a student, for example, might begin looking for Pass Rates within Career Services. An inquiry to that office resulted in a referral to the website for the Office of Institutional Research (OIR), but there is no information on the OIR site to indicate where or how to search for pass rates specifically. An inquiry to OIR allows users to identify the specific document of interest. Adding “Pass Rate” as a listing within the A-Z index would significantly improve accessibility for stakeholders.

Summary

The availability of information described within this section demonstrates that the University is transparent in its operations. Information is clearly listed, is redundant, and can be found on many different Web pages or through many different kinds of searches, usually with minimal effort. In cases where information was more difficult to find, recommendations for improving transparency were made. The number of such oversights (e.g., complaints and grievance policy in one college; online tuition rates; and faculty credentials’ lists in three colleges) resulting in recommendations is not high. This is particularly the case in view of rapid changes in information delivery mechanisms (e.g., the shift to extensive reliance on Web documents) and the University itself (i.e., growth in enrollment, programs, mode and scope of delivery), both of which complicate efforts to ensure maximum transparency.
2.C

THE GOVERNING BOARD OF THE INSTITUTION IS SUFFICIENTLY AUTONOMOUS TO MAKE DECISIONS IN THE BEST INTEREST OF THE INSTITUTION AND TO ASSURE ITS INTEGRITY.

Background - UND operates under the direction and coordination provided through the North Dakota State Board of Higher Education (SBHE), which “was established by an initiated measure approved by the voters of North Dakota in 1938 which added Article 54 (now Article VIII, Section 6) to the State Constitution.” As identified in UND's Constitution, the governance of the University is vested by state law in the SBHE which, accordingly, has final authority in all matters affecting the University but entrusts execution of plans and policies and the internal administration of the University to the President in consultation with faculty and administrative officers. As such, the SBHE is the governing board for the University.

This role as governing board is complicated by the fact that the SBHE also governs other universities and colleges in North Dakota. The SBHE governs a unified system, i.e., the North Dakota University System (NDUS), rather than UND alone. Organized in 1990, the system includes two research universities, four comprehensive regional universities, and five community colleges. Led by the Chancellor, the NDUS staff supports the SBHE's mission to enhance the quality of life for all those served by the NDUS as well as the economic and social vitality of North Dakota.

The Chancellor serves as the chief executive officer of the NDUS and administers the policies, decision, and rules of the SBHE, prepares policy recommendations for the SBHE's consideration, and serves as the official representative of the SBHE and the NDUS to the North Dakota Legislature. The Chancellor is responsible for establishing a process or forum enabling presidents to provide advice to the Chancellor regarding matters affecting the university system and to ensure that NDUS institutions cooperate to improve academic offerings, expand access to education, promote faculty development, improve support services, reduce unnecessary duplication, and enhance efficiency.

The SBHE governs the institutions in accordance with the North Dakota Constitution and state statutes. Changes to the SBHE may be made only through the state Constitution and legislative action. The seven citizen members, each serving four-year terms, and one student member, serving a one-year term, are appointed by the state's governor as vacancies occur. The Council of College Faculties and NDUS Staff Senate select a single nonvoting faculty and staff advisor, respectively.

The SBHE proposes a budget for higher education within North Dakota, based upon requests from the 11 institutions. The state's Office of Management and Budget and governor review the budget request from the SBHE and include higher education appropriations within the governor's budget request to the Legislature. The Legislature then provides appropriations based upon the SBHE and governor's requests, and legislative responsibilities to varied constituencies/stakeholders within North Dakota.
The SBHE is intended to provide the leadership and governing environment necessary to maximize the opportunities for the NDUS colleges and universities, including UND, to be successful in fulfilling their individual missions and enhancing the economic and social vitality of North Dakota.

The SBHE identifies a set of core values to be reflected in how the Board and all personnel of the University System carry out responsibilities on a daily basis. These values are:

- High integrity
- Open, honest, forthright and mutually respectful in discussion and actions
- Trustworthy
- Accountable
- Cooperative and valued partner with other state agencies and entities
- Responsible stewards of state investment in the University System
- Scholarship and the pursuit of excellence in the discovery, sharing, and application of knowledge
- Support and embrace diversity

The SBHE is intended to provide the leadership and governing environment necessary to maximize the opportunities for the NDUS colleges and universities, including UND, to be successful in fulfilling their individual missions and enhancing the economic and social vitality of North Dakota. Interviews with members of the SBHE consistently ranked SBHE priorities as ensuring high-quality education for all students first, ensuring the successful functioning of the NDUS second, and meeting the needs of individual schools third. This is not to say the school needs are neither addressed nor considered, but that the first two priorities were ranked more highly by those SBHE members interviewed. SBHE policies and procedures apply to all institutions within the System, improving the effectiveness and efficiency of higher education for students, institutions, citizens, and the state. It is also worth mentioning here that in interviews, a number of the past members of the SBHE did not view the SBHE as the governing board for UND—despite clear policy that states that this is the case—but instead focused more on the SBHE’s role as the governing body for the NDUS. Ongoing dialogue between the University and the SBHE might be helpful to ensure that all parties more clearly share a common understanding of the relationship between the SBHE and UND vis-à-vis its role as a governing board.

The people of North Dakota created the Board through the state Constitution to ensure the institutions and their employees were protected from political interference. Recognizing the legitimacy and importance of such protection and believing each institution properly retains substantial responsibility for its own affairs, the SBHE and the NDUS seek to honor the integrity of each institution and its people. The SBHE’s history, core values, operating procedures, and structure and function are consistent with standards described in the HLC’s Criteria for Accreditation, Criterion 2, Component 2.C. However, it must be recognized that the decisions that the SBHE make regarding UND are often influenced and constrained by the fact that the SBHE acts as a governing board for the entire NDUS and, concerning budgetary matters, must work through the Legislature and governor.

A general theme arises in the information collected from NDUS and SBHE policies and procedures, institutional documents, narratives, and interviews. That theme is “Recognizing the past, present, and future,” in relation to HLC Criterion Two, Component 2.C. The past includes the time...
from UND’s last accreditation review in 2003 to July 1, 2012. The present is relative to new leadership within the North Dakota University System, beginning with the appointments of Chancellor Hamid Shirvani, Interim Vice Chancellor John Haller, Vice Chancellor Laura Glatt, and SBHE President Duaine Espegard. The future is what comes next, with a change in the Board’s focus from managerial to visionary and from policy implementation to policy creation. The future includes a re-visitisation and clarification of the lines of communication outlined in Board policy Policies 304.1 and 305.1. Given the scope and degree of change, members of the SBHE/NDUS and upper-level administrators at UND have expressed cautious anticipation and hope for ongoing positive relationships between the SBHE and UND.

2.C.1
The governing board’s deliberations reflect priorities to preserve and enhance the institution.

2.C.1.a - Relationships

Based on interviews and written response to questions about the governing board’s deliberations in relation to the University, key administrators at both UND and the NDUS agree that the SBHE has been working to preserve and enhance UND, within the context of UND as a member institution of the NDUS. Both UND and NDUS acknowledge that at times, tensions have existed between the NDUS institutions, the SBHE, and/or the North Dakota Legislature as reflected in a number of bills introduced in the Legislature meant to change or abolish the SBHE and complaints made by legislators and reported in the media about the activities of the SBHE. According to an official familiar with this history, tensions were exacerbated by unclear lines of communication (Grant Shaft interview), but the SBHE has been working to clarify these lines. The same could be said for UND’s leadership, which consistently engages in dialogue with the external stakeholders.

Based on answers to questions on a institutionwide Campus Quality Survey administered in 2010, the views of faculty and staff about the SBHE and NDUS vary from strongly negative to positive, with mean scores on all 10 questions about the SBHE /NDUS in the neutral range. Faculty and staff were also asked how the SBHE/NDUS “should be,” and there was a consistent gap between the actual and aspirational scores, indicating that employees would like to see improvements. Scores for UND employees were comparable to those at other four-year institutions in the NDUS.

2.C.1.b - Policies and Procedures

There have been changes made in policy and personnel over recent years such that administrators currently at UND and the NDUS agree that the SBHE is truly working to preserve and enhance UND within the context of a unified statewide system (portfolio of interview summaries). Similarly, there is hope expressed by administrators within both bodies for continuing positive relationships between the SBHE and UND. An analysis of recent SBHE policies indicates deliberations and decisions that, on balance, have been made with the enhancement and preservation of UND in mind.

- Pathways to Success document
- Logo and Nickname portfolio

Leaders at NDUS also indicate that deliberations within the system office and at
In keeping with the statutory requirement as well as the expectations of the SBHE and elected officials, the Chancellor and his staff continue to move where appropriate toward uniform, consistent policy, procedures, and practices across the system. At times, there may be differences between campuses; however, the intent is to limit such differences in clearly defined and agreed to arrangements at the outset.

Each circumstance and issue requires careful evaluation to determine which approach (or nonuniform approach, in limited situations) is most viable and reasonable in creating more efficient and effective services. As part of that process, best practices and “fit” with in the NDUS are bases of consideration. Solutions are vetted through the Chancellor’s cabinet as well as appropriate councils and committees. The focus of discussion is largely on how we ensure consistency across the University System.

A number of examples of SBHE actions that demonstrate the fulfillment of this responsibility can be identified. Many of these actions are changes in NDUS policies and procedures that have been made as concerns, both specific to UND or more generally within the NDUS, have arisen. As policies have been written or revised, the Board has been demonstrably responsive to concerns from UND, including the following:

• Approval of the School of Law request to enroll non-UND law students to its summer program in Moss, Norway; adopt a flat-rate tuition structure that is appropriately higher than the flat-rate tuition structure

the SBHE reflect the priority of preserving and enhancing individual institutions, including UND (Interview summaries). They mentioned that a specified responsibility of the Board, as stated in SBHE Policy 100.6 item 3, is to “provide the leadership and governing environment necessary to maximize the opportunities for the NDUS colleges and universities to be successful in fulfilling their individual missions and enhancing the economic and social vitality of North Dakota.” NDUS administrators believe that actions taken by the SBHE demonstrate fulfillment of this responsibility. The NDUS Interim Vice Chancellor provided more detail:

More recently, the Larson-Allen Risk Assessment Report offered additional insight…[stating] “The NDUS does not consistently operate as a unified system of higher education, with the primary focus on what is in the best interest of the student and state, as opposed to the institution. In addition, there is not a collaborative mentality within some institutions, and it is not productive to meeting the state’s expectations.”
approved for UND law students (proposed non-UND law student tuition of $4,600 for the four-credit program and $6,300 for the six-credit program, with annual increases at the approved rate for the institution) for the next five years with reassessment of tuition rates in the 2016-17 academic year in light of instructional costs and student enrollment.

- **Responsiveness to UND concerns** as members attended to tuition and fee models (residency definitions; tuition rates, applications and accountabilities; tuition waivers; fees and transparency of use).
  - University Senate Q & A concerns.
  - SBHE Minutes
- **Addressing overruns in expenses** when constructing the President’s Houses at NDSU and UND. (UND: budgeted for $900,000 and cost $1.3 million. NDSU: budgeted for $900,000 and cost $2.2 million) New policy: SBHE Policies – 900s: Facilities (902: Construction Process). SBHE Proposed policy changes for 802.8: Internal Audit Functions.
- **Attention to North Dakota House Bill (HB) 1231 regarding the use of the land on which the old Ralph Engelstad Arena sits;** the SBHE opposed the bill, citing the president’s right to maintain the appropriate chain of command on campus.
- **Support for building projects:** Additional funding authorized for UND Education Building, four residence hall renovations, and authorization of a building addition to the EERC. Also support for joint UND/NDUS IT office building and separate data center.

- **Support for requests for new academic programs and/or reorganizations** such as: new *Master of Public Health*, a joint program between UND and NDSU; new *Department of Petroleum Engineering and Petroleum Engineering Ph.D.*, new *Ph.D. in Aerospace Sciences*, and consolidation of several individual basic (medical) science departments in the Medical School into one *Department of Basic Sciences*.

- **Approval of the joint MPH program request** to charge Minnesota residents in accordance with the ND/MN Reciprocity Agreement.

- **Responsiveness to UND Law School** facility needs. Law School Dean Kathryn Rand reported that the 2007 UND School of Law’s American Bar Association (ABA) reaccreditation site visit report found the School of Law’s physical facility to be “less than adequate” and characterized an addition to and renovation of the existing law school building as “critical to the success and future” of the School. She said having this project approved in time for the spring 2014 ABA reaccreditation site visit would indicate to the ABA site-visit team that the UND School of Law will have recommended improvements under way, a factor that is crucial to ensuring reaccreditation of the School.

- **Retirement of UND athletic logo and nickname.**

- **Development of “Maximizing Results Through Efficiencies,”** designed as a multistep plan with three initiatives: Building a Cost-
Multiple voices may be heard at the SBHE, although the final decisions are not always what the institution has requested, the University’s administrators report that they are treated respectfully, their perspectives are heard, and useful feedback is provided in response.

Efficient IT System, Review/Re-engineer the Academic Process Function (registration, credit-by-exam, articulations, transfers, general education, and more), and Review/Re-engineer Legal Services. The goal was to meet the needs of the student and the state while improving quality, access and affordability.

2.C.2
The governing board reviews and considers the reasonable and relevant interests of the institution’s internal and external constituencies during its decision-making deliberations.

Generally, the SBHE does consider the interests of UND’s constituencies during deliberations; however, this is done within the framework of the overall NDUS, which can, at times, produce a tension between UND’s needs and the needs of the entire NDUS. Members of the SBHE often reinforced the idea that the SBHE does not answer to the institutions (including UND) but that the institutions answer to the SBHE. Within this system-level approach, the first focus is on students, next on the NDUS, and then on the institution. The SBHE listens to a variety of stakeholders including parents and students (paying attention, e.g., to graduation rates), the North Dakota Legislature (remaining sensitive, e.g., to legislature concern about the cost of higher education), and the NDUS (regarding, e.g., standardization of tuition waiver policies). (See interview portfolio)

Multiple voices may be heard at the SBHE, although the final decisions are not always what the institution has requested, the University’s administrators report that they are treated respectfully, their perspectives are heard, and useful feedback is provided in response.

• Interview President Kelley

Ongoing development of the NDUS plan for “Pathways to Student Success. A mission-driven system focused on student success.” Five essential elements are included: Access, Affordability, Learning, Quality, and Accountability, with the purpose described as “to build a stronger and higher-quality university system academically and administratively.” Interim Vice Chancellor for Academic and Student Affairs John Haller explained that the Pathways to Student Success plan is an example of meeting the needs of the individual institutions within the SBHE. The Pathways Plan is an attempt to better represent the Carnegie complexity across all the different institutions, and connect student readiness with institutional capacity. He pointed out that each institution has a different mission and those institutions need to be able to focus on their missions without extending into other areas or engaging in what is sometimes described as “mission creep.” According to Vice Chancellor Haller, a student who needs remediation is best served by an institution with that mission. Thus, under the Pathways plan, the institution’s mission would better reflect the profile of the students it serves.
Former Board President Grant Shaft agrees that the SBHE reviews and considers reasonable and relevant interests. The Board has an easy role because the focus is on the mission. For example, [in the most recent] capital project budget, the two highest priorities are the Medical and Law School projects. We took a look at the accreditation needs of [the] Law School. The Medical School [proposal for construction funding and funding for enrollment increases] has the ability to address the health needs of the state. The Board has the ability to stay above the territorial issues to move the specific university's mission forward. (See interview portfolio – Grant Shaft).

Both the School of Law and the School of Medicine and Health Sciences projects are addressed in the "Analysis of 2013-15 Executive Budget Recommendation, December 2012."

Another example of considering reasonable and relevant interests is the Master of Public Health (MPH) joint program between UND and NDSU. The joint program may result in a NDUS-wide policy change based on issues regarding federal reporting requirements. Such a policy change would be an example of how the SBHE balances multiple demands, including the charge of meeting the needs of institutions, in creating a protocol to serve both institutions and the entire NDUS. (Interview portfolio, Grant Shaft).

Three recent examples provide a clear demonstration of the SBHE's willingness to review and consider the interests of University stakeholders within decision-making deliberations. The first case occurred in 2011 when the North Dakota Legislature was considering a bill, HB1231, which addressed the use of the land on which the old Ralph Engelstad Arena sits (mentioned briefly under 2C.1, above). The SBHE opposed the bill, citing the president's right to maintain the appropriate chain of command on campus (SBHE minutes from Jan. 13, 2011). HB1231, if passed by the Legislature, would have dictated that UND's president would have needed permission from the director of the Energy and Environmental Research Center (EERC, a division of UND) to use the land on which the old Ralph Engelstad Arena sits because of its proximity to EERC facilities. The SBHE's position on the bill represented its respect for a university president as the primary institutional decision maker.

A second example occurred as the NDUS was considering a revision to Policy 340.2 regarding University Foundations. The original wording of the policy was changed multiple times, and the passage of the policy was delayed in order to gain approval of the UND and NDSU Alumni Foundations (SBHE minutes from Jan. 27, 2011, March 1, 2011, April 6, 2011). This demonstrates the SBHE's concern about the ability of these foundations to operate as external branches of the universities (See Policy 340.2, revised April 6, 2011).

A final recent example involved revisions to Policy 605.1, considered by the NDUS, regarding academic appointments. The cross-NDUS College of Council Faculties (CCF) body did not approve of the proposed updated timeline for faculty contracts. The SBHE postponed passage of the policy in order to work with the CCF to alter the timeline in ways that would gain the group's
Two other major university constituency groups that must be considered by the SBHE are the NDUS Centers of Excellence (CORE) and the UND Foundation. As the NDUS Centers of Excellence Web page states, “North Dakota’s Centers of Excellence program is designed to foster collaboration between the state’s public universities and private businesses to bring new products, services and jobs to the marketplace.”

UND’s Centers of Excellence include:

- Unmanned Aircraft Systems Center of Excellence
- Center of Excellence in Space Technology and Operations
- National Center for Hydrogen Technology (UND-EERC)
- Petroleum Research, Education, and Entrepreneurship Center of Excellence
- SUNRISE BioProducts: A Center of Excellence for Chemicals, Polymers, and Composites from Crop Oils
- Center of Excellence in Life Sciences and Advanced Technologies (UND Research Foundation)
- Center of Excellence for Passive Therapeutics (UND Research Foundation)
- Center for Innovation

The SBHE sets policy for Centers of Excellence applications but the review of the Centers is less clear.

- SBHE Policy 302.9 Faculty and Staff Advisors; New Policy
- SBHE Minutes, June 16, 2011

Funding is one key aspect of decision making on the SBHE. Over the years, there have been multiple revisions of funding formulas for higher education in North Dakota. The SBHE has considered various funding models over time in an effort to improve its approach and ensure necessary and equitable funding for all institutions of the NDUS. The current model, implemented as of 2011, is moving into performance/outcome-based funding measures.
A second external constituency of great importance to the University is the UND Alumni Association & Foundation, which “fosters a tradition of philanthropic support, leading efforts to raise and manage funds that secure a strong future for University of North Dakota and its students, faculty, and alumni.” Foundations of this sort are defined by the SBHE guidelines as “independent, nonprofit organizations established to support and advance the mission and objectives of an institution or institutional functions, including an athletics booster association for which an institution is ultimately responsible or accountable under athletic association or conference rules.” However, because the Foundation acts in support of the University, the SBHE does have responsibility “for ensuring the integrity and reputation” of their actions as part of their responsibility for governance of the University System. The SBHE maintains lines of communication with Alumni Foundation officers as part of protecting the University interests while ensuring that the Foundation’s voice can be considered during decision making. SBHE policy states that “institution presidents shall promptly report to the Chancellor any breach of an agreement or failure on the part of foundation officers or employees to adhere to standards appropriate to such organizations. Foundation officers may inform the Chancellor of any breach of an agreement or failure on the part of institution officers to adhere to appropriate standards.”

If such a report of breach were made by either party, the Chancellor and Board would be authorized to initiate action (SBHE Policy 340.2 Foundations).

2.C.3
The governing board preserves its independence from undue influence on the part of donors, elected officials, ownership interests, or other external parties when such influence would not be in the best interest of the institution.

The SBHE has policies that present the core values for the SBHE and the Officer and Employee Code of Conduct. These policies clearly exhort SBHE members and NDUS officers and employees to uphold the highest ethical and professional standards, including all laws, regulations, policies, and procedures, and also including the avoidance of unethical behavior such as, for example, bribery, rebates, or kickbacks. The policies include reporting requirements for violations. Interviews with members of the SBHE and the NDUS Office indicate that the adherence to the core beliefs and the Code of Conduct is viewed seriously and considered as a means to maintain the health and integrity of the NDUS, including UND.

Another example that clearly illustrates independence from undue influence is regarding what commonly was referred to as “the Sioux logo issue.” Until its resolution (described in detail under Criterion Five (section 5.B.2), the SBHE and UND in recent years faced tremendous pressure from multiple stakeholders in relation to the Sioux logo and nickname. These stakeholders include Native Americans, current and former UND student-athletes, individuals associated with the Ralph Engelstad Arena (REA), the National Collegiate Athletic Association (NCAA), legislators, students, faculty, staff, alumni, and the public. Several administrative and Board interviewees discussed the financial, time, personal, and relationship costs of the processes. Interviewees...
recounted the immense pressures that were applied as stakeholders asserted their preferences. On Aug. 15, 2011, the Board directed UND to transition away from the **UND logo/nickname** prior to the deadline set by the NCAA. This is identified as a positive example of the Board, in a very difficult time, preserving its independence from undue influence on the part of donors, elected officials, ownership interests, or other external parties.

Past SBHE President Grant Shaft described the situation in his interview, commenting that,

*Yes...the governing board preserves its independence from undue influence. This is a credit to the Board member selection process. Without exception, I never witnessed Board action that was swayed by internal or external pressure (e.g., alumni, donors, etc.). While there are limited examples beyond the logo, there was external pressure there (alumni, legislature, NCAA). But the Board's actions did not reflect that outside pressure (for example, REA). Consistently, the Board acted in the best interest of UND, although it cost some in legislative relationships and bad press.*

Noting the challenges posed by the issue, Shaft continued: “That issue cannot be taken lightly—the issue impacted policy, legislative action, public perception, and recruitment; every level was impacted deeply. It is a credit to UND that it is moving forward. Impressive. It demonstrates the strengths of UND and dedication of the administration to push through the issue.”

President Kelley noted that some of the fallout from the logo decisions made “the political environment during last legislative session challenging. There were bills introduced to undermine authority of SBHE. All initiatives were voted down – partially because of the Board and relationships they have with legislators. [The] Legislature was supportive of the Board [and the] Legislature defended the Board’s autonomy.” Furthermore, even in the aftermath of this environment, the SBHE was able to have a fair, open process to select a new Chancellor without discernible attempts by the governor or legislators to dictate decision making.

While the SBHE has maintained decision-making independence from the Legislature in the face of challenges around the Sioux logo, the SBHE is dependent on the Legislature in fiscal matters. As noted by Dr. Joshua Wynne, Vice President for Health Affairs and Dean of the School of Medicine and Health Sciences,

*The Board may be independent in policy areas; the Board is definitely dependent in fiscal matters (i.e., dependent upon the Legislature). A little tension increases performance...too much [tension] is destructive. The [Legislature] must balance the needs of the state with education. The SBHE needs to be sensitive to increases in support that they have received from the Legislature over the years. The Legislature needs to recognize the importance of the independence of the Board and its role in making (defining) policy.*

2.C.4
The governing board delegates day-to-day management of the institution to the administration and expects the faculty to oversee academic matters.

State Board of Higher Education Policy states that “each institution properly retains substantial responsibility for its own affairs, [so] the Board and the system honor the integrity of each institution and its people” (SBHE Policy 100.6 Item 3). The SBHE policies continue by clarifying
The SBHE views UND’s President as the CEO of the institution with the right and responsibility to manage UND within the overall policies and directives issued by the SBHE and the Chancellor. The roles of the Chancellor and SBHE, where responsibility for policy, overall direction and planning rests. The institutions’ presidents are charged with implementation of SBHE policies and direct operational control (SBHE Policy 100.6). The SBHE views UND’s President as the CEO of the institution with the right and responsibility to manage UND within the overall policies and directives issued by the SBHE and the Chancellor. The President is to consult with the Chancellor on decisions of mutual interest and to ensure effective and broadly based participation in the decision-making process from faculty, staff, students, and others stakeholders (SBHE Policy 305.1). UND affirms the relationship between the SBHE and the institution within its own Constitution.

While the SBHE is oriented toward students first, NDUS second, and individual institutions third, it is clear that institutional issues become relevant to the Board’s efforts when policy development has the potential to be beneficial to students, the institutions, and the state. Interviewees have indicated that issues are left with, or returned to, the originating institution if the issue is not relevant to policy development for the System. A recent example occurred when the Board was contacted regarding concerns about the application of disciplinary actions to students at NDSU in Fargo. The students had committed misdemeanor election fraud. The Board declined to become involved. Instead, NDSU continued with its own internal disciplinary processes (Interview summaries - Grant Shaft). This pattern of leaving institutions to deal with their own day-to-day management extends to UND and all institutions within the NDUS.
2.D. 
THE INSTITUTION IS COMMITTED TO 
FREEDOM OF EXPRESSION AND THE 
PURSUIT OF TRUTH IN TEACHING AND 
LEARNING.

Four core documents referring to academic freedom at UND are critical in relation to the University’s commitment to freedom of expression and the pursuit of truth in teaching and learning. They are as follows:

- UND Constitution
- SBHE policies
- UND Faculty Handbook
- UND Code of Student Life

All of these documents are readily accessible for faculty, staff, administrators, students, and other interested stakeholders via the Web. All new faculty members are to be informed by their chairs about the existence of the Faculty Handbook; new faculty members are usually provided with hard copy. Students receive annual notification of the existence and access point for the Code of Student Life, but print copies are not distributed to the general student population.

The following are examples of the implementation of academic freedom at UND, each of which is affirmed within one or more of the four core documents described above. Each is designed to allow faculty to pursue truth, as they understand it, in their teaching and in helping students learn.

- Faculty choose their textbooks for courses they teach.
- Faculty create their own syllabi for courses they teach.
- Faculty are allowed to choose their own teaching methods.
- Faculty choose their areas of research and research methods.
- Students are entitled to be taught by unfettered instructors and to have access to all information pertinent to their subjects of study.
- Students are entitled to as complete freedom as possible in the selection of their curriculum, teachers, and associates. Students in some colleges, including students in most graduate and professional programs, are also entitled to choose their own advisors and to change advisors at their own discretion. Moreover, students have a right to intellectual disagreement with their instructors and associates, and to question them without fear of recrimination or punishment.
- Students and faculty have the right to provide a forum for what may be unpopular or controversial viewpoints ○ (SBHE Policies 401.1.4 D: Guest Speakers, Movies, and Other Programs)

Although details of these and other relevant policies are clearly articulated in the four core documents and those documents are widely available, simple notification of availability, even in conjunction with reminders to faculty and students that they are expected to be familiar with the documents, may not always achieve the desired familiarity. Faculty who take part in the Alice T. Clark Scholars Mentoring Program (Office of Instructional Development for new faculty) are
likely to be involved in discussions related to the topic of the rights and responsibilities that go along with academic freedom. But some new faculty do not take part in this program. Students are likely to become aware of issues related to academic freedom when the appropriate sections of the Code are cited within course syllabi, rather than through reading the Code itself. The new Ombuds person, once in place, will be helpful in ensuring that faculty and students alike have a neutral resource person available to direct them to such policy information.

The University offers recourse for a faculty member who is concerned about academic freedom. If a faculty member feels his or her academic freedom has been compromised by administrative action, a hearing by faculty peers is available through one of two University Senate committees: the Senate Special Review Committee and the Senate Standing Committee on Faculty Rights.

This evidence demonstrates that UND has policies which promote academic freedom and protect the pursuit of truth in teaching and learning. There may be faculty and students who do not have appropriate awareness of the policies, but the policies themselves are easy to access through publicly available sources. Furthermore, the University also makes significant efforts to ensure that constituencies are aware of the policies and are provided with information about document location. Enforcement of academic freedom policies to ensure compliance occurs through designated committees of the University Senate, and redress of grievances occurs as described above section 2.A.
Faculty members are encouraged to apply for external support which is generally awarded as grants, contracts, or cooperative agreements, with UND as the responsible fiscal agent.

2.E.
THE INSTITUTION ENSURES THAT FACULTY, STUDENTS, AND STAFF ACQUIRE, DISCOVER, AND APPLY KNOWLEDGE RESPONSIBLY.

2.E.1
The institution provides effective oversight and support services to ensure the integrity of research and scholarly practice conducted by its faculty, staff, and students.

The University expects faculty and staff to continue their professional development through active participation in research and other scholarly pursuits. Faculty members are encouraged to apply for external support which is generally awarded as grants, contracts, or cooperative agreements, with UND as the responsible fiscal agent. Two offices exist to facilitate the process of obtaining extramural funding and administering awards that are received: Research Development & Compliance (RD&C) and the Grants & Contracts Administration (GCA) Office. These two offices are responsible for many of the institutional policies governing the integrity of research and scholarly practice. Some policies related to integrity of research and scholarly practices are under the purview of Human Resources and Payroll Services (for example, nepotism).

Associate Vice President for Research Barry Milavetz is responsible for addressing the creation of new policies related to research integrity and Assistant Vice-President for Research David Schmidt for is responsible for policy development regarding grants and contracts. In interviews, Milavetz and Schmidt described steps taken to keep current with emerging new policy developments, including in-person meetings with federal policymakers that occur seven times each year:

- The Federal Demonstration Partnership (FDP): Meetings are held in Washington, D.C., every four months.
- The Council on Governmental Relations (COGR): Meetings are held in Washington, D.C., every four months.
- The National Council of University Research Administrators (NCURA) holds an annual national meeting in Washington, D.C., which is attended by both Milavetz and Schmidt, as well as a regional meeting that is attended only by Schmidt.

Both Milavetz and Schmidt subscribe to listservs run by these organizations to provide timely updates in between meetings. Most of UND’s policymaking decisions relating to research integrity are spurred by directives from the federal government. When a change in policy is proposed at the federal level, advance notification of the potential change is made in the Federal Register, and comment periods are open for stakeholders to contribute feedback before a final rule is put in place. After approval, there is normally a sufficient amount of time allowed for institutions to comply with the new rules.

Some policy development and/or revision is done administratively. For example, there are policies currently under development in GCA related to effort reporting, closeouts, and direct charging. However, two standing committees of the University Senate can also be involved in academic integrity policymaking: the Conflict of Interest/Scientific Misconduct Committee and the
The University has a number of strengths in its efforts to oversee and support ethical practices in research and scholarship, as the following examples demonstrate:

- **The institution is committed to open discourse in helping people locate policies and procedures that affect them in their work.** People on campus generally know who to call if they have issues or questions. For those who are uncertain, support staff members in their own departments are usually able to offer help in locating the correct office. In the Division of Research & Economic Development, staff and offices have been relatively stable with little turnover, meaning that names and faces have become familiar to members of the University community. This makes it easier for members of the campus community to locate resources.

- **Both the Institutional Review Board (Association for the Accreditation of Human Research Protection Programs) and the Institutional Animal Care and Use Committee (Association for Assessment and Accreditation of Laboratory Animal Care International) are accredited by national organizations, which demonstrates UND’s commitment to going above and beyond the minimum standards for maintaining compliance.**

  - **Interview with Barry Milavetz**

- **A number of staff members have also earned professional certifications appropriate to their fields, demonstrating a level of knowledgeability that benefits the entire University community.**

- **UND recently hired an export control officer (half time) who will oversee the development and enforcement of the University’s export controls policy, an area of rapid growth.**

While these strengths are important to the University’s success in this area, challenges remain and continue to be addressed. The following are examples:

- **While the human network of information retrieval about policies is excellent (once an entry point is identified), inadequate use is made of the Web as a fast and accurate means for locating policies.**

- **In general, policies are not as widely known and understood by UND faculty, staff, and students as they should be. Among the impediments to achieving better communication of institutional policies are lack of funding and lack of staff to communicate the policies and provide training opportunities to the campus community. Problems have not yet resulted, but in personal interviews, both Schmidt...**
and Milavetz expressed concern that issues with oversight and compliance may arise. Both recommend improved infrastructure capable of supporting communication and enforcement of research-based policies.

- Record keeping is increasingly problematic. Effort reporting and conflict of interest documentation are all currently maintained in paper format. The volume of the documents is increasing and retrieval is problematic. Ascertaining that a PI is up to date on these forms prior to submission of a grant proposal can be difficult. There is a software management program, used by other university compliance offices, that would facilitate the timely filing of required forms by the PIs and ease retrieval of the forms; however, the cost is significant. The Vice President for Research & Economic Development has requested the money to invest in the software (approximately $500,000 with additional yearly subscription cost). The system would use email notification for timely submission of necessary forms. A committee is being formed that will include two representatives from each college or school and be charged with examining this data management plan and advising on its potential implementation.

2.E.2
Students are offered guidance in the ethical use of information resources.

The University’s commitment to offering students guidance in the ethical use of information resources starts with the Code of Student Life. The Code not only defines academic dishonesty, including enumerating the common types of academic dishonesty, but also lays out the institutional response to cases of academic dishonesty.

Recently, the University designated “Information Literacy” as one of the goals of its undergraduate Essential Studies (general education) Program. That goal is defined to mean “access[ing] and evaluate[ing] information for effective, efficient, and ethical use in a variety of contexts.” Including this goal as one of the four (section 3.B.2) from which faculty teaching Essential Studies (ES) courses must select is an indication of the University’s commitment to guiding students in ethical use of information resources. A direct assessment of students’ information literacy skills, scheduled to occur in May 2013, will provide additional information about the degree to which this outcome is currently being achieved by students at the University.

References to academic integrity and plagiarism are found in the syllabi for English Composition 110, 120, and 125. English Composition classes are taken by many, though not all, UND students. The “UND Guide to College Composition” does not explicitly address plagiarism, though it does devote a chapter to accepted ways of documenting and citing sources.
When concerns arise about students’ ethical use of information resources at the University, responsibility for addressing them is shared by academic units and student services units. However, information about academic integrity and plagiarism is also provided in other courses, including those taken at an advanced level, such as ES capstones, Advanced Communication courses in the ES program, research courses, directed studies, and independent studies. An examination of 25 sample syllabi submitted for capstone courses (now required prior to graduation for all UND undergraduates) showed that 20 of the syllabi contained a reference to academic integrity or academic honesty. Five of them made no mention of it, indicating there is some variation in the clarity with which expectations are articulated. A document containing the syllabi and a summary response sheet summarizes the findings.

As another check on the consistency with which information about ethical use is provided to students, sample syllabi were collected and examined for research, directed studies, and independent studies courses. Appropriate courses were identified through deans and through a search of the ConnectUND Campus Solutions Module using the possible course titles as key words. Of the eight syllabi examined, four mentioned academic integrity and four did not. Three respondents indicated that there were no syllabi for the courses. Judging from the low response rate, it is evident that these courses, perhaps because of the highly individualized nature of mentored student experiences they typically provide, may often be taught without formal course syllabi.

These findings suggest that, although UND does provide guidance in ethical use of information resources, especially through composition courses and, in many cases, capstone courses, there is variability in the degree to which expectations are communicated. When concerns arise about students’ ethical use of information resources at the University, responsibility for addressing them is shared by academic units and student services units. Jeffrey Powell, a Student Services Officer in the Dean of Students Office, summarized the current state of management of allegations of unethical use of information resources by students. He noted (minutes from January 20, 2012) that in accordance with the UND Code of Student Life, instructors have the discretion to treat unethical information use as an academic matter within the college or as a disciplinary matter through the Dean of Students Office (DOS). Campus practice, as asserted by the Council of Deans, has been that academic dishonesty is addressed by the faculty member or the college. Instructors have some flexibility, according to existing policy, in responding to ethical violations.

Procedures are in place to handle resolution of alleged lapses in academic integrity by students, though they vary by colleges/schools. The John D. Odegard School of Aerospace Sciences, College of Arts & Sciences (A&S), College of Business & Public Administration (BPA), College of Education & Human Development (EHD), College of Engineering & Mines, and College of Nursing & Professional Disciplines each have college policies, as well as department documents which refer to the college policies. The School of Law has a student policy manual and an Honor Code. The School of Medicine & Health Sciences is working on an overarching Academic Honesty/Grievance Policy that will cover Allied Health undergraduate majors, undergraduates from across campus taking SMHS courses, graduate students, medical students, and medical residents. The School of Graduate
Studies’ “Graduate Assistant Handbook” indicates that all graduate assistants are responsible for abiding by policies outlined in the Code of Student Life. No mention of academic integrity was found in either handbook for either master’s or doctoral students.

Since there is variation in the degree to which students receive guidance on the ethical use of information resources, and additional variation in the policies for addressing breaches of ethical practices in information use, this is an area where additional discussion and institutional consistency would be beneficial. One improvement would be to more clearly define responsibility for implementing and enforcing academic dishonesty policies such that they would fall within the purview of either the colleges or the Dean of Students.

2.E.3
The institution has and enforces policies on academic honesty and integrity.

The following are identified as the policies or sources of policies related to academic or research integrity or honesty. All of these policies may be found through a UND search and/or the A-Z index.

- Code of Conduct (also known as Code of Ethics)
- Code of Student Life
- Conflict of Interest
- Contracting (Purchasing Procurement)
- Contracting (Sponsored Programs)
- Facilities Training for Blood Borne Pathogens
- Faculty Handbook
- Fraud Training
- Human Trafficking
- Institutional Animal Care & Use
- Institutional Biosafety
- Institutional Review Board
- Intellectual Property Policy
- Nepotism
- New Employee Training
- Privacy of Personal Information
- Radiation Safety & Hazardous Materials
- Responsible Conduct of Research Training for NSF grant participants
- Scientific Misconduct (Ethical Conduct in Research)

Some of the policies are linked from the website for the Office of Research Development & Compliance (RD&C), others are on the site for the Office of Grants & Contracts Administration (GCA), and some are under Human Resources & Payroll Services.

David Schmidt, Assistant Vice President for Research & Economic Development, and Barry Milavetz, Associate Vice President for Research & Economic Development, work closely on policy issues related to integrity in the conduct of research. They are both under the umbrella of the Division of Research & Economic Development, overseen by Phyllis E. Johnson, Vice President. The UND Code of Conduct is a general statement of expectations around academic integrity that can be found on the A-Z list, and it includes directions for reporting research misconduct.

The core statement of institutional expectations for scholarly integrity is found within the policy,
Conflict of Interest: UND has a Conflict of Interest (COI) policy that incorporates two types of potential conflicts: (1) financial and (2) commitment. The financial conflict of interest policy is the more widely known and understood of the two; however, annual reporting for both types is required for all University employees. In order to be in compliance with the commitment COI policy, faculty members are not allowed to spend more than 20 percent of their work effort on outside, professional activities, including consulting or management of a business. Due to recent changes implemented in financial COI reporting by units of the United States Public Health Service (which includes the National Institutes of Health), UND recently revised its financial COI policy and reduced the allowable threshold before having to report a potential conflict of interest for financial interests from $10,000 to $5,000. The process whereby UND employees were informed about the change in policy is instructive. Several months prior to the implementation of the revised policy, training sessions were conducted at several campus locations where the new NIH COI requirements for principal investigators at UND with NIH funding were examined. Invitations were sent out through Research Development & Compliance via email to specific investigators with ties to NIH funding. The current COI policy involves documentation of financial and effort conflicts of interest for individuals on campus; however, there is a federal push toward implementing institutional conflict of interest policies as

“Ethical Conduct in Research, Scholarship, and Creative Activity.” At many institutions this policy is known as scientific misconduct, but UND’s policy is actually broader and covers anything defined as research, scholarship, and creative activity. The University Senate Committee on Conflict of Interest/Scientific Misconduct is scheduled to discuss the relative merits of UND’s more inclusive policy versus one which would adhere to the definition of research misconduct embraced by the NIH (Research Misconduct – Fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results) (Interview with Barry Milavetz on May 2, 2012).

Close examination of a sample of these policies regarding academic and research integrity serves to demonstrate their impact and implementation.
well. This would also be under the purview of the COI committee and would be related to acceptance of awards from donors who may seek to influence outcomes of research findings, institutional policies, etc. (Interview with David Schmidt of April 19, 2012).

- **Contracting (Purchasing Procurement and Sponsored Programs):** Purchasing handles all contracting for the University, except when contracts are part of a sponsored program. In those instances, any sub-award or subcontract paid through sponsored programs is handled by Grants & Contracts.

- **Improved Accessibility of Compliance Documents on the Web:** There is an effort under way in the Division of Research to better categorize information relating to compliance committees. Sections on the website for policies will include all Division policies, compliance committees, and the section on the website for forms. This section contains all of the forms used by the Division, including for compliance committees. The new website will become available in AY 2013-14.

- **Privacy of Personal Information:** Currently, access to personal information for all North Dakota University System campuses and state government is available to any UND employee who has Human Resources/Payroll module access within the PeopleSoft data management system. Access to this scope of information is not necessary for employees at individual campuses, but action has not been taken at the system level or state level to limit this access.

The means of enforcing policies is generally related to the severity of the problem. Certain areas (e.g., research involving human subjects or animal subjects) embrace a more stringent enforcement policy due to the elevated risks involved. There are mechanisms in place to assist with enforcement of policy, including the confidential fraud hotline which can be used to report concerns about any issues. Financial consequences for principal investigators may also be used to ensure compliance with policies; however, this is not a preferred option and it is not widely implemented.

Currently, there are no local reporting requirements in place for issues of research misconduct and noncompliance. The operating philosophy across campus has been to identify inappropriate behavior and educate or do whatever it takes to ensure the behavior is not repeated. Although the University does not have its own requirements for annual reporting of the number of instances of misconduct and noncompliance, there are requirements at the federal level. Both the **Institutional Animal Care and Use Committee** and the **Institutional Biosafety Committee** are required to submit annual reports to federal agencies. In the event of egregious misconduct involving human subjects research, Research Development & Compliance would be required to report the misconduct to the U.S. Department of Health and Human Services’ Office of Research Integrity.

In separate interviews, Vice President for Research & Economic Development **Phyllis Johnson**, Associate Vice President for Research **Barry Milavetz**, and Assistant Vice President for Research **David Schmidt** expressed confidence that existing
policies are enforced. When ethical issues arise and cannot be solved at a lower level, they are reported to Dr. Johnson. In the years since she assumed her role in 2009, six ethical issues in research involving federal funding have been brought to her attention for adjudication. Violations of the policy on Ethical Conduct in Research, Scholarship, and Creative Activity which do not involve federal funds are adjudicated by the Provost & Vice President for Academic Affairs. Paul LeBel was involved in adjudicating three cases during his years in that role (2009-2013).

This review of academic honesty and integrity policy enforcement demonstrates a number of institutional strengths. The Grants & Contracts Office provides good oversight on financial issues. The Internal Research Board follows up successfully with individual PIs when compliance questions are raised. The internal auditor and the Vice President for Research & Economic Development collaborate to resolve difficult questions that are raised with them. UND is committed to best practices, in policy and in implementation, related to academic honesty and integrity. Staff with responsibilities related to integrity understand their roles and the roles of others, ensuring swift and appropriate responses to questions. UND is successful in disseminating policy information electronically, using both the Research Newsletter and the University Newsletter. At the same time, challenges remain.

Policy communication via the web is not optimal. The structure for communicating policies to ensure compliance is insufficient for the needs of the institution. The UND website and embedded search engine are not as helpful as they could be. A one-stop page containing links to all of UND's ethics policies, accessible via the A-Z index and the search engine, would be useful for helping people locate needed policies quickly and efficiently.

There is a degree of discontinuity in the online presence of some of the compliance committees. A specific example is the Institutional Animal Care and Use Committee (IACUC), which has its administrative home in the IRB office. Some of the information about IACUC may be found on the Research Development & Compliance website; however, information about mandatory training and all of the IACUC forms are available online only at the Center for Biomedical Research website. The recent move of IACUC to RD&C is designed to improve functioning, as is the redesign of the research website occurring sometime in 2013.

Staffing is inadequate to provide training in policy that would be helpful for faculty, staff, and students. The people whose roles require them to work with the policies are generally quite familiar with them, but, with limited staff, they provide fewer training opportunities than they believe might be needed by people who are unaware that relevant policies exist. For example, those who frequently conduct human subjects research are familiar and compliant with IRB policies, but staff members in IRB noted that it is difficult to ensure that those who occasionally conduct research involving human subjects are aware that policies exist.

Federal requirements for training of students and PIs are evolving. For example, NSF requires training for all students on funded projects and NIH is moving in that direction. As a result, senior administrators in the Research Division (Interviews with Phyllis Johnson, Barry Milavetz, and others)
and David Schmidt) believe that mandatory training in the responsible conduct of research, perhaps through an online course, should be provided to all graduate students. Some training is provided already. Responsible Conduct of Research Training is currently provided for National Science Foundation Grantees (for whom it is required). The National Science Foundation also requires annual ethics workshops for students and postdoctoral fellows working on NSF grants, but these workshops are not offered regularly. Finally, a course is taught in the School of Medicine & Health Sciences each spring (Biomedical Science 516, taught by Dr. Eric Murphy) to all graduate students in biomedical sciences. The course does not provide detailed coverage of UND’s compliance policies and procedures, but some information is covered and students are encouraged to understand the importance of compliance.

Accessibility and usability of compliance-related policy information could be improved through better categorization, a perspective supported by interviews with the Assistant and Associate Vice Presidents for Research. The A-Z index should include links under both P (policies) and C (compliance) that connect to an inclusive set of compliance policies. In addition to the policy statements themselves, it would be desirable to include, for each policy, information regarding responsible committees, individuals, or offices and their contact information; reasons for and scope of the policy; and links to relevant forms. Input from potential faculty and staff users would be desirable in establishing the format of a compliance policy site.

2.E.3.a - Summary

The evidence supports conclusion that UND strives to operate ethically and transparently in the discovery and application of knowledge. Policies and procedures are clearly in place and address key issues. There are extensive efforts to ensure that information about those policies is available to students, staff, and members of the public. In cases where breaches of ethical conduct occur, strategies are in place to address those breaches.
SUMMARY OF FINDINGS REGARDING CRITERION TWO

Areas of Strength

• UND presents itself clearly and completely to students and the public. Most information is clearly listed, is redundant, and can be found on many different Web pages with minimal effort.

• UND demonstrates a strong commitment to academic freedom and pursuit of truth, and policies supporting these are long-standing.

• UND ensures that faculty, students, and staff acquire, discover, and apply knowledge responsibly. A great many policies have been developed in support of ethical operations in both academic and research areas.

• The governing Board (SBHE) endeavors to make decisions that serve the best interests of UND, and to ensure that UND operates with integrity. Given the structure of higher education in North Dakota and the constraints under which the Board functions, this demonstrates a real commitment to the University.

• A number of SBHE actions demonstrate its commitment to improving the entire NDUS, including UND, and to protecting and improving UND specifically. There is cautious optimism that ongoing changes throughout the NDUS and efforts by the SBHE will continue to strengthen UND’s integrity and support continuing success.

Opportunities for Improvement

• Ensuring systematic analysis of grievance policies and procedures, and the history of grievances and other disputes would enable identification of problematic patterns. The newly created Ombuds position will help address information needs in this area.

• Maintaining critical research records in paper form is unwieldy and retrieval is problematic. A committee is working to address the need for a better system.

Next Steps

• Research policies and procedures are not always well understood by faculty, staff, and students. Better communication of such policies is necessary to avoid problems that could result from incomplete knowledge about the existence or meaning of key policies.

• Clarifying the lines of responsibility for implementation and enforcement of academic dishonesty policies and procedures would be useful for students, staff, faculty, and administrators.

• In view of evolving standards for ethical research, the University should consider mandating training for all graduate students and making training widely available for faculty and staff.