University Senate

May 1, 2014
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• Announcements
• Minutes from April 3, 2014 meeting
• Question Period
• Consent Calendar:
  – Budget, Restructuring, & Reallocation Committee Annual Report
  – ROTC Committee Annual Report
• Business Calendar:
  – Candidates for Degrees at Spring Commencement
  – Curriculum Committee Report
  – Dissolving the Senate’s Student Policy Committee
  – Dissolving the Senate’s ROTC Committee
  – Dissolving the Senate’s Summer Sessions Committee
  – Changes to the charge of the Senate’s Continuing Education Committee
Announcements

• Thank You to Senate and Senate committees
• Faculty Senate proposal from the ad hoc Committee on Governance Structures
• Senate Committee Replacements
• Fate of Recent Senate Actions
• Essential Studies Program Review Update
  — Tom Steen, Director of the ES Program
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Faculty Senate Proposal
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• Subcommittee on Governance Structures of the *ad hoc Committee on Shared Governance*
  – Kathy Smart (chair), Margi Healy, Sharley Kurtz, Linda Ray, Jeff Sun

• Proposed Timeline:
  – Now: Input accepted online
  – May 12: Open Forum, Lecture Bowl, 3:00 pm
  – September: Open Forum
  – September/October: Revision based on input
  – November: Vote at University Senate
  – Spring 2015: If accepted, constitutional drafting and revision
Faculty Senate Proposal

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  – Now: Input accepted online
  – May 12: Open Forum, Lecture Bowl, 3:00 pm
  – September: Open Forum
  – September/October: Revision based on input
  – October/November: University Senate endorses moving ahead
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• **Senate Committee Replacements**
• Fate of Recent Senate Actions
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  – *Tom Steen, Director of the ES Program*
## Senate Committee Appointments

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<td>Julia Ernst (Law)</td>
<td>Nancy Vogeltanz-Holm (SMHS)</td>
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Announcements

• Thank You to Senate and Senate committees
• Faculty Senate proposal from the ad hoc Committee on Governance Structures
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• Fate of Recent Senate Actions:
  - Approved by President Kelley
    – Intellectual Property Policy changes (Nov 7 Senate)
    – Tenure & Promotion policy changes in the Faculty Handbook (Feb 6 Senate)
    – Revision of Senate Committee Manual (Mar 6 Senate)
• Essential Studies Program Review Update
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Student Policy Committee

• The SPC has recommended it be dissolved
• Focus is almost exclusively on approval of constitutions of student organizations
  – This is commonly handled by Student Affairs professionals at other institutions
• This action in no way removes the Senate’s constitutional authority regarding

  General relations and interests of students, including health, conditions of living, regulations of social life, intramural and intercollegiate athletics, student organizations and publications.
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In the current annual report, the ROTC Committee writes,

*Because the ROTC programs have been enveloped into the College of BPA, members have determined that there may be significant duplication of effort between this committee and those in place within CoBPA with regard to accreditation, curriculum review, program oversight, and approval of cadre. Given this duplication of effort, we ask that during the next calendar year the Senate ... review the necessity of maintaining the ROTC Committee*

*The SEC is recommending dissolution at this time.*
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Summer Sessions Committee

- **Purpose:**
  
  To provide faculty guidance and oversight in applying academic standards and traditional academic rigor to summer sessions.

- **Functions & Responsibilities:**

  1. Conduct studies and bring recommendations to the University Senate and/or the Student Senate. Areas of study and review shall include, but are not limited to, policies related to scheduling, staffing, budgetary and related matters.

  2. Serve as an advisory board to the Director of Summer Sessions.


- Summer Sessions administration is currently in the hands of the colleges.
- The SEC is recommending dissolution at this time.
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Purpose: To provide oversight of academic rigor for courses and programs offered at a distance, and to encourage faculty participation in distance education, and advocate for the provision of extended learning experiences with an exceptional level of quality to online and distance education students within the state, region, and beyond.

Plus others in support of this revised purpose.

Small clarification: Within “Membership” section:

- Students (two, one undergraduate & one graduate, voting)
Management.

– If a Memorandum of Understanding is signed by the University and the Employee, the Executive Head of the Unit will determine an appropriate method to monitor the situation to ensure compliance with the Memorandum of Understanding.

– The University of North Dakota will maintain records of all financial disclosures and of all actions taken to resolve conflicts of interest for ten years after: the termination of the award, completion of the award, or the resolution of any government action involving those records.
Conflict of Interest Policy

– Additional requirements for PHS applicants and awardees:

• If the Conflict of Interest involves an Employee who is compensated from or has spending authority over funds derived from extramural funding, prior to expending any funds, and if required to do so by funding agency policy, the Vice President for Research and Economic Development or his/her designee will notify the funding agency of the existence of the Conflict of Interest and provide written assurance that the Conflict of Interest is being managed, reduced, or eliminated in accordance with agency requirements.

• In addition to its general obligations under State open records law, the Vice-President for Research and Economic Development shall maintain and make available within a reasonable period of time not to exceed five working days to anyone who requests it, information concerning any Disclosable Interest described in the definition section in the Conflict of Interest Policy if: a) the Disclosable Interest is still held by the Employee and b) the University has determined under the Conflict of Interest policy that the Disclosable Interest was a Conflict of Interest, whether or not that Conflict of Interest is manageable. At a minimum, the information made available to the person who requests it will include: 1) the Employee’s name; 2) the Employee’s title and role within any research projects currently receiving extramural funding; 3) the name of any entity associated with the Disclosable Interest; 4) the nature of the Disclosable Interest and 5) the approximate value of the Disclosable Interest or a statement that the Disclosable Interest is not one that can be readily valued through reference to public prices or other reasonable measures of fair market value.
Enforcement

The Appropriate Vice President or his/her designee is responsible for:

– Ensuring that Executive Heads of all units obtain annual Conflict of Interest documentation from each Employee,

– Enforcing compliance with this Conflict of Interest Policy, and

– Providing the Purchasing Office, on a monthly basis, with lists of those Employees who, under a Memorandum of Understanding, have limits placed on their ability to direct the expenditure of University funds and those Employees who have failed to file their annual Conflict of Interest documentation.
Conflict of Interest Policy

Employment Conditions

Each Employee must comply with the terms of any Memorandum of Understanding entered into between the University and the Employee and/or by the terms of any final decision. Any Employee who does not comply may be subject to employment conditions including, but not limited to:

- Administrative supervision of funded research,
- Completion of supplementary training in conflicts of interest,
- Administrative supervision of the use of University facilities and properties,
- Freeze or loss of research funds or accounts,
- Loss of privileges in the use of University facilities and property,
- Rescission of contracts with entities or Employees,
- Criminal or civil legal action, and
- Termination of employment.
Oath for Teachers

• From UND Faculty Handbook:
  – Section II-2: Every member of the academic staff at university system institutions, before entering upon the discharge of their duties, shall execute the oath or affirmation required by N.D.C.C. section 15-10-13.2. The oath shall be executed in duplicate and one copy shall be filed at the institution and one copy given to the academic staff member.
From the North Dakota Century Code (reference cited in the faculty handbook:)

13.2. Public institutions of higher education--Faculty members oath or affirmation.

1. Before entering upon the discharge of duties, every faculty member employed by an institution of higher education under the control of the state board of higher education shall take the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of North Dakota, and that I will faithfully discharge the duties of my position, according to the best of my ability.

2. The faculty member shall execute the oath or affirmation in duplicate. One copy of the oath or affirmation must be filed with the state board of higher education. The faculty member shall retain the other copy.
We move and urge that the Provost of the UND and the CCF review the proposal that any oath or affirmation to support the North Dakota Constitution (required as a condition of employment) include a statement that the individual employee or potential employee has the right to make a "conscientious objection" to that oath specifically related to the separation of church and state and equal protection under the law, and space for an individual to do so as part of the contract or separate oath/affirmation paperwork.
• We move and urge that the Provost and VPHA consider that all advertisements for open faculty or academic positions at the University of North Dakota contain the following specific language:

“As a condition of employment, the University of North Dakota requires United States Citizens to make an oath or affirmation of support the Constitution of the United States of America and to the Constitution of the State of North Dakota. The following link is provided for you to review the Constitution of the State of North Dakota: http://www.legis.nd.gov/constitution.”
PREAMBLE

We, the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this constitution.

Article 11, Section 28: Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.