

TO: Members of the Senate  
FROM: Secretary of the Senate  
SUBJECT: Senate Meeting on October 5, 2017  
DATE: September 28, 2017

The October meeting of the University Senate will be held on Thursday, October 5, 2017 at 3:30 p.m. in Room 113, Education. Chair Nancy Vogel Tanz-Holm, presiding.

**CALL TO ORDER**

AGENDA

**SENATE CALENDAR:**

- 1) Announcements/Chair Updates
  - a. Senate Budget Committee Personnel Report, 2013-2017 (Chair)  
(located at [http://und.edu/university-senate/human.resource.final.actions.final\\_corr.pdf](http://und.edu/university-senate/human.resource.final.actions.final_corr.pdf))
  - b. Tenure-track faculty hiring guidelines (Chair)  
(located at <http://blogs.und.edu/uletter/2017/09/provost-lifts-moratorium-on-tenured-track-faculty-searches/>)
  - c. Promotion, Tenure, & Eval(PTE)Working Group Update(Chair)
  - d. Council of College Faculties (CCF)Meeting from 9-5-2017 (not-yet-approved minutes, Attachment #1)
- 2) Establish Quorum (Secretary Correll)
- 3) Review and Approval of September 7, 2017 Minutes (All)  
(Attachment #2)
- 4) Senate Executive Committee Meeting 9-20-2017, Actions (Chair)
  - a. SEC member Todhunter will serve as liaison to PTE Group
  - b. Provost to advise Deans to disseminate plans for F&A distributions
  - c. Provost response to NDUS Intellectual Property Agreement:  
No changes at UND
  - d. SEC members will begin reviewing UND governance documents; formulating plans for supporting USenate committees; working with Senate Legislative Affairs & Student Government for invitations to state leaders on governance topics
- 5) Question period

**CONSENT CALENDAR:**

- 6) No Items

**BUSINESS CALENDAR:**

- 7) Proposed updates and revisions to the UND Faculty Handbook, Section 2: Personnel Information (Attachment #3)

## CCF MEETING SEPTEMBER 5, 2017

Called to order 9:02 am by President Debora Dragseth

**ROLL CALL** by Secretary DeVera Bowles

**IN ATTENDANCE:** BSC: Jacklyne Carlson, DCB: Gary Albrightson, DSU: Debora Dragseth, LRSC: Betsy Banner, MaSU: Lynn Dilivio, MiSU: DeVera Bowles, NDSU: Birgit Pruess, Gina Kelly, NDSCS: Michael Redding, Jeffrey Hart, UND: Anne Christopherson, Mark S. Jendrysik, VCSU: Joan Aus, WSC: Derek Vander Molen.

## ANNOUNCEMENTS

### CCF OFFICERS FOR 2017-18 ACADEMIC YEAR:

Debora Dragseth (DSU) – CCF president

Betsy Banner (LRSC) – Vice President and faculty representative on AAC

Gina Kelly (NDSU) – Treasurer/parliamentarian and faculty representative on SAC

DeVera Bowles (MiSU) - Secretary

Birgit Pruess (NDSU) - Faculty advisor on the SBHE

### APPROVAL OF AGENDA:

Joan Aus moved to approve, Michael Redding seconded. Approved by acclamation.

### MINUTES of May 2, 2017 meeting

Derek corrected the spelling of his name. Joan Aus moved to approve, Gina Kelly seconded. Approved by acclamation.

### PRESENTATION OF SBHE REPORT Birgit Pruess - *please see her detailed report.*

Joan Aus sought clarification for process of gaining a voting membership on the SBHE. Employees of the NDUS may NOT become members. The next SBHE meeting is a face-to-face on Sept. 27 in Devils Lake at Lake Region State College. Birgit is available to meet with any CCF member prior to the meeting.

Deb suggested a motion of concern over the hiring of the Vice Chancellor of Strategy and Strategic Engagement.

Gina Kelly moved, Birgit Pruess seconded:

***CCF expresses concern and would like additional information; the hiring of James P. Wisecup as Vice Chancellor of Strategy and Strategic Engagement by the NDUS system office may represent a conflict of interest as a percentage of the salary comes from the governor's office.***

Motion passed. President Dragseth will forward this motion to the SBHE.

### PRESENTATION OF ACC REPORT Betsy Banner

Joan Aus moved, Birgit Pruess seconded to express to AAC concerns of potential changes to the intellectual property royalty policy Section 611.2. related to the proposed sliding scale, or revenue cap, to be established by each institution.

Betsy Banner moved to amend, Jeff Hart seconded a motion to express CCF membership's concern that moving forward with changes to the intellectual property policy would adversely affect faculty retention.

Final Motion to AAC:

***CCF questions potential changes to the intellectual property royalty policy Section 611.2. related to the proposed sliding scale, or revenue cap, to be established by each institution. CCF membership is concerned that moving forward with changes to the intellectual property policy would adversely affect faculty retention.***

Motion passed. Betsy will present this at tomorrow's AAC meeting.

**PRESENTATION OF SAC REPORT:** Gina Kelly – SAC has yet to meet.

### OLD BUSINESS: Tabled Motion

MST: "CCF create no resolution in support of the NDSU crisis of confidence letter, but allow institutions to take their own steps." 2nded. \*Friendly amendment from Ernst supporting the idea of a summit.

Jeff Hart moved to bring the motion forward. Birgit Pruess seconded. Derek Vander Molen withdrew his motion regarding the crisis of confidence letter.

#### **NEW BUSINESS**

President Dragseth suggested that CCF develop an end-of-the-academic-year “report card” to offer to the SBHE in categories to be established by the exec committee. The letter grade is favored as it makes a powerful, easily understood message to the public.

Joan Aus moved, Jeff Hart seconded that:

***CCF will create a grading system for the SBHE’s treatment of the 11 campuses regarding three or four areas to be determined by CCF’s executive committee.***

Motion passed.

#### **ADDITIONAL AGENDA ITEMS:**

Joan Aus from VCSU: Rather than craft a resolution of concern relating to the budget crisis, her campus has extended invitations to the Chancellor and to several SBHE members to discuss ramification of budget cuts. VCSU wonders if other campuses have reached out in a similar manner.

#### **CLOSING REMARKS:**

President Dragseth: Calling in, rather than video conferencing, will be the norm for the next few meetings due to potential technical glitches.

#### **ADJOURNMENT**

Meeting adjourned at 10:20 am.

Respectfully Submitted,  
DeVera Bowles  
CCF Secretary

Minutes of the University Senate Meeting  
September 7, 2017

1.

The September meeting of the University Senate was held at 3:35 p.m. on Thursday, September 7, 2017, in Room 113, Education. Past Chair Dana Harsell opened the meeting and Chair Nancy Vogeltanz-Holm presided.

2.

The following members of the Senate were present:

Alshami, Ali	Gabriel, Holly	Ogle, Jamisen
Amman, Paige	Gedafa, Daba	Peterson, Shawn
Brekke, Alice	Grijalva, James	Petros, Tom
Bachmeier, Cole	Halgren, Cara	Reed, Patricia
Berg, Justin	Harsell, Dana	Rogers, Aimee
Buettner, Kevin	Heitkamp, Thomasine	Sens, Donald
Campbell, Caroline	Holm, Jeff	Sturges, Denyse
Carlson, Hannah	Hurley, Roxanne	Takahashi, Shuzo
Casler, James	Iseminger, Colt	Todhunter, Paul
Christopherson, Anne	Jendrysik, Mark	Vandegerg, Greg
Clauson, Tyler	Jeno, Susan	Vogeltanz-Holm, Nancy
Correll, Scott	Juntunen, Cindy	Walker, Stephanie
Dabrowski, Zach	Keengwe, Jared	Wang, Enru
Dauphinais, Kirsten	Knowlton, Lucas	Weaver-Hightower, Becky
DiLorenzo, Thomas	Laguette, Soizik	Williamson, Stephen
Dodge, Michael	Legerski, Elizabeth	Yang, Cai Xia
Du, Guodong	Liang, Lewis	Zerr, Ryan
Dunnigan, Gerri	Lim, Howe	Zhang, Xiaodong
El-Rewini, Hesham	Lindseth, Paul	Zhao, Julia
Ernst, Julia	Mostad-Jensen, Anne	
Flynn, Amber	Murphy, Eric	

3.

The following members of the Senate were absent:

Doze, Van	Mikulak, Marcia	Schaeftbauer, Jordan
Faruque, Saleh	Mochoruk, James	Smart, Kathy
Gupta, Surojit	Neubert, Jeremiah	Storrs, Debbie
Hanson, Erik	Oncel, Nuri	Tang, Clement
Johnson, Peter	Petschen, Chris	Wynne, Joshua
Kennedy, Mark	Quintero, Bryan	Zimmerman, Sonia
Light, Steve	Rand, Kathryn	
McGimpsey, Grant	Roux, Gayle	

4.

Outgoing Senate Chair Dana Harsell introduced incoming Senate Chair Nancy Vogeltanz-Holm. Ms. Vogeltanz-Holm reviewed the Senate Bylaws, Standing Rules, and Standard Rules of Parliamentary Procedure.

5.

Quorum was established.

6.

Ms. Vogeltanz-Holm called attention to the minutes of the May 4, 2017, meeting. Without objection, the minutes from the May 4, 2017 Senate meeting were approved.

7.

The following announcements were made:

- a. Chair Vogeltanz-Holm, Senate Executive Committee Updates
  - Academic Policy Changes Update, Eight Total
  - Faculty Handbook Updates
  - Promotion, Tenure, and Evaluation document available for comment
  - Review of Senate Executive Committee summer activities
- b. Chair Vogeltanz-Holm, University Council Report
  - University Senate accomplishments
  - Data about net loss of faculty (tenure and non-tenure track) and benefitted staff from budget reductions
  - Goals for the University Senate this year

8.

The 20-minute question period opened at 4:02 p.m.

Mr. Zerr stated that the Promotion, Tenure, and Evaluation Working Group document is available through the end of September for comment. The feedback received by September 15, 2017, will be made public, but will be anonymous. There will be several open fora on this topic (please see the September 6, 2017 issue of UND Today). Mr. Zerr asked if the current feedback form is too short. Mr. Murphy stated that it is too short. Mr. Harsell disagreed. Mr. Petros agreed it was too short. Mr. Grijalva asked if there is a better way to explain what is being changed. Mr. Zerr stated there has been thought behind the changes, but it is not available on the website. Mr. Murphy asked if the Standing Committee on Faculty Rights was consulted for guidance. Mr. Zerr responded in the negative.

Ms. Weaver-Hightower asked if there were any planned ongoing discussions about the Faculty Instructional Development Committee and Scholarly Activities Committee regarding the funding issue. Ms. Vogeltanz-Holm responded that this was discussed at length at the Senate Budget Committee. Mr. Petros asked if there was discussion at the Senate Budget Committee if F&A could be taxed under the MIRA model. Ms. Vogeltanz-Holm responded that it has been discussed.

Ms. Weaver-Hightower asked if the University Senate could be considered a support unit. Ms. Vogeltanz-Holm stated it has been discussed, but it is unknown how to establish new support units.

Mr. Murphy asked what the best practices are in higher education with regards to their Senate structure for funding options. It was asked if F&A would be returned during this fiscal year. Mr. Holm responded that the money percentage was based on the prior year, but the funds were from the current year. Ms. Laguette asked how this would work for a one-year grant. Mr. Holm stated that the Dean's office would have guidance for this situation.

The question period was closed at 4:22 p.m.

9.

Ms. Vogeltanz-Holm called attention to the actions the Senate Executive Committee took over the summer. Without objection, the Senate approved the summer actions of the Senate Executive Committee.

10.

Ms. Vogeltanz-Holm called attention to the consent calendar. Without objection, the Senate approved the consent calendar.

11.

Ms. Vogeltanz-Holm called attention to the ballots for Senate Vice-Chair/Chair Elect, faculty representative on the Senate Executive Committee, two Senate faculty members on the Committee on Committees, staff representative on the Senate Executive Committee, and student representative on the Senate Executive Committee. The election results are as follows:

Senate Vice-Chair/Chair Elect - Paul Todhunter (66% of votes)  
Faculty Representative on the Senate Executive Committee - Mark Jendrysik (53% of votes on 2<sup>nd</sup> ballot)  
Faculty Representatives on the Committee on Committees - Dana Harsell and Holly Gabriel (both positions unopposed)  
Staff Representative on the Senate Executive Committee - Amber Flynn (unopposed)  
Student Representative on the Senate Executive Committee - Cole Bachmeier (unopposed)

12.

Mr. Harsell moved to approve the changes to the University Curriculum Committee charge. Ms. Weaver-Hightower seconded it. A discussion ensued. The motion carried with 57% voting in favor. Senators' votes were the following:  
A=Aye; B=Nay; C=Abstain

C	Alshami	A	Carlson
B	Amman	A	Casler
A	Bachmeier	B	Christopherson
A	Berg	A	Correll
B	Brekke	A	Dauphinais
B	Buettner	C	DiLorenzo
A	Campbell	B	Dodge

C Dunnigan  
A El-Rewini  
A Ernst  
A Flynn  
A Gabriel  
A Gedafa  
B Grijalva  
C Halgren  
B Harsell  
A Heitkamp  
B Holm  
A Hurley  
B Iseminger  
A Jendrysik  
B Jenó  
A Juntunen  
A Keengwe  
A Knowlton  
B Laguette  
B Legerski

A Liang  
B Lim  
B Mostad-Jensen  
A Murphy  
A Oglo  
A Peterson  
B Petros  
A Rogers  
B Sens  
A Sturges  
A Takahashi  
B Vandeberg  
A Walker  
A Wang  
A Weaver-Hightower  
A Williamson  
C Yang  
A Zerr  
C Zhang  
A Zhao

13.

The meeting adjourned at 4:58 p.m.

Scott Correll, Secretary  
University Senate



Proposed Revision to  
Section 2 of the  
Faculty Handbook  
2017-2018

Prepared by: Faculty Handbook Committee- 2015-2018.



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## I: Nondiscrimination

### 1: Notice of Nondiscrimination

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

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

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

*Responsible Office: UND Equal Employment Opportunity/Affirmative Action*

*Related Information*

- *UND Notice of Nondiscrimination* (<http://und.edu/affirmative-action/notice-of-nondiscrimination-signed-by-kennedy-0716.pdf>)
- *UND Complaints of Discrimination/Harassment Policy and Procedures* (<http://und.edu/affirmative-action/files/docs/discrimination-harassment-policy-procedures.pdf>)
- *SBHE Policy 603.1 – Harassment* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=48&SID=7>)
- *NDCC 14-02.4-01 – State policy against discrimination* (<http://www.legis.nd.gov/cencode/t14c02-4.pdf>)

### 2: Equal Employment Opportunity and Affirmative Action

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

The University undertakes an evaluation of its workforce, analyzes workforce availability based on its major job groups and academic disciplines, and where appropriate, will make good faith efforts to enhance its recruitment

and selection of women, minorities, individuals with disabilities, and veterans. It also will promote programs, projects, and other opportunities that encourage the development and advancement of faculty and staff in their work and academic pursuits. Women, minorities, individuals with disabilities, and veterans are encouraged to apply to employment opportunities.

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

Those individuals who believe that they have been subjected to unlawful discrimination are encouraged to contact the Equal Employment Opportunity/Affirmative Action Office.

*Responsible Office: UND Equal Employment Opportunity/Affirmative Action*

*Related Information*

- *UND grievance procedures and EEO/AA policies/procedures* (<http://und.edu/affirmative-action/index.cfm>)
- *SBHE Policy 603.2 – Equal Employment Opportunity* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=49&SID=7>)

## **A: Nepotism**

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

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

*Responsible Office: Human Resources*

*Related Information*

- *NDUS Human Resource Policy Manual Section 13 – Employment of Relatives* (<http://www.ndus.nodak.edu/makers/procedures/hr/?SID=32&PID=234&re=d>)
- *SBHE Policy 603.3 – Nepotism* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=50&SID=7>)
- *NDCC 44-04-09 – Nepotism* (<http://www.legis.nd.gov/cencode/t44c04.pdf>)
- *NDCC 44-04-10 - Violation of provisions against nepotism - Penalty* (<http://www.legis.nd.gov/cencode/t44c04.pdf>)

## B: Request for Disability Accommodation Process

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

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

*Responsible Office: UND Equal Employment Opportunity/Affirmative Action*

*Related Information*

- *UND Accommodation Request Form (<http://UND.edu/affirmative-action/reqforaccomm.cfm>)*

## 3: Sexual Harassment

UND prohibits sexual harassment and retaliation against a person filing a sexual harassment complaint.

Questions concerning specific situations or incidents should be directed to the director of equal employment opportunity/affirmative action. Grievance procedures for complaints of discrimination are outlined in the Administrative Manual and in a brochure, which is available from the Affirmative Action Office. Following an investigation and a finding of sexual harassment, the employee(s) accused of sexually harassing another may be disciplined, including termination from the University.

*Responsible Office: UND Equal Employment Opportunity/Affirmative Action*

*Related Information*

- *UND Complaints of Discrimination/Harassment Policy and Procedures (<http://und.edu/affirmative-action/files/docs/discrimination-harassment-policy-procedures.pdf>)*
- *UND Guidelines on Discrimination Because of Sex (<http://und.edu/affirmative-action/files/docs/guidelines-discrim-sex.pdf>)*
- *SBHE Policy 603.1 – Harassment (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=48&SID=7>)*
- *NDCC 14-02.4-01 – State policy against discrimination (<http://www.legis.nd.gov/cencode/t14c02-4.pdf>)*

## A: Consensual Relationships

The University of North Dakota discourages consensual relationships, i.e., amorous, romantic, or sexual relationships, between faculty and students, staff and students, supervisors and subordinates, and students who have an authority relationship over other students. This policy is in effect when one individual has a control, power, authority, or responsibility position over another. UND expressly prohibits any form of sexual harassment of employees and students when a previous consensual relationship ceases to exist or such a relationship is rejected by one of the parties.

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

*Responsible Office: UND Equal Employment Opportunity/Affirmative Action*  
*Related Information*

- *UND Consensual Relationships Policy* ([http://und.edu/affirmative-action/\\_files/docs/consensual.pdf](http://und.edu/affirmative-action/_files/docs/consensual.pdf))
- *UND Complaints of Discrimination/Harassment Policy and Procedures* ([http://und.edu/affirmative-action/\\_files/docs/discrimination-harassment-policy-procedures.pdf](http://und.edu/affirmative-action/_files/docs/discrimination-harassment-policy-procedures.pdf))
- *SBHE Policy 603.1 – Harassment*  
 (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=48&SID=7>)

## II: GRIEVANCES

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

The policies of the State Board of Higher Education (SBHE) distinguish between two types of faculty grievances. One type is specifically limited to a grievance resulting from UND’s decision to dismiss, terminate, suspend, non-renew, or sanction the faculty member. The procedures for resolving these grievances are governed by SBHE policies 605.3 and 605.4. These policies, as well as their implementation at UND, can be found in Section II of the UND Faculty Handbook. Grievances related to discrimination are covered in this section and should be addressed through Title IX and the Office of Equal Employment Opportunity/Affirmative Action.

### 1: Scope and Definitions

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

These guidelines apply only to faculty, as defined below.

Prerequisites to filing a section 612 grievance are:

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

#### A: Definitions

**Complainant:** “The Complainant” means the faculty member who is bringing the grievance

**Respondent(s):** “The Respondent(s)” means the person(s) or persons against whom the grievance is brought. This individual(s) is the person who made the decision upon which the grievance is based.

Parties to a grievance: “The Parties” means the Complainant and the Respondent(s).

Faculty: “Faculty” means all members of the academic staff, excluding only coaches and administrators in their capacities as coaches or administrators.

Faculty Grievance: “Grievance” means an allegation of a violation of a specific SBHE or institutional policy, procedure, or practice pertaining to the employment relationship.

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

Special Review Committee (SRC): “The SRC” means a standing committee of the University Senate, whose charge is outlined here.

Good Faith: “Good faith” means a willingness to sit down and actively participate in discussion of the issues at hand in order to better understand and find resolution to the issues.

## 2: Mediation Protocol

The following mediation procedures and time lines apply.

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

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

Mediators shall facilitate and coordinate the process. Mediators may not issue orders, find fault, impose solutions, or make decisions for the mediation participants. Fees for mediation will be covered by the institution and not the individual parties. The direct cost will be assessed depending upon scope and in consultation between the appropriate vice president and appropriate dean.

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

## 3: Mediation Procedure

After the Complainant has tried to resolve his or her grievance with the person who is believed to have caused the faculty member harm and has utilized the department, if applicable, and college grievance procedures, the



Complainant may decide to utilize this grievance procedure by participating in at least one good faith mediation session.

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

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

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

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

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

Ten business days after this meeting, the first mediation session will commence.

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

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

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

#### **4: 612 Grievance Procedure**

If the mediation fails in whole or in part, within twenty-four hours of the mediation, the mediator will provide a written statement to the University Senate, with both parties copied, specifying which of the enumerated issues were mediated, which of the issues were resolved, and which of the issues failed to be resolved.

Within five business days after receipt of the written statement issued indicated above, the Complainant must notify the Chair of the University Senate in writing if s/he wishes to have a Special Review Committee (SRC) investigate the grievance. As part of the notice to the Chair, the Complainant must submit all supporting



documentation of the unresolved mediated issues. He or she must provide a minimum of five copies to the University Senate Chair for distribution to: the SRC panel (three members), each Respondent, and one for inclusion in the final report.

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

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

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

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

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

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

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

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

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

The decision of the president is final.

*Responsible Office: University Senate*

*Related Information*

- *UND Special Review Committee Charge* (<http://UND.edu/university-senate/committees/special-review-committee-pool.cfm>)
- *SBHE Policy 612 – Faculty Grievances* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=68&SID=7>)

## III: PERSONNEL FILES

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

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

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

### 1: Establishment, Maintenance, and Utilization of Comprehensive Personnel Records

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

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

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

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

*Related Information*

- *UND Academic Affairs Procedure - Establishment, Maintenance, and Utilization of Comprehensive Faculty Personnel Records (contact Academic Affairs)*

- *UND Records Retention Schedule* ([http://und.edu/finance-operations/records-management/\\_files/docs/2017-02-17-und-retention-schedule.pdf](http://und.edu/finance-operations/records-management/_files/docs/2017-02-17-und-retention-schedule.pdf))
- *NDCC 54-06-21 – Public Employee Personnel Records: Administration – Access* (<http://www.legis.nd.gov/cencode/t54c06.pdf>)
- *NDCC 44-04-18 – Access to Public Records: Electronically Stored Information* (<http://www.legis.nd.gov/cencode/t44c04.pdf>)
- *NDCC 44-04-18.1(1) – Public Employee Personal, Medical, and Employee Assistance Records Confidentiality* (<http://www.legis.nd.gov/cencode/t44c04.pdf>)

## IV: OPEN GOVERNMENT REQUIREMENTS

### 1: Open Meetings and Records

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

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

*Responsible Office: Office of General Counsel*

*Related Information*

- *North Dakota Attorney General Website, Open Records and Meetings* (<https://attorneygeneral.nd.gov/open-records-meetings>)
- *NDCC 44-04 Duties, Records, and Meetings* ([www.legis.nd.gov/cencode/t44c04.pdf](http://www.legis.nd.gov/cencode/t44c04.pdf))

## V: Outside Activities and Increased Income for Faculty and Administrators

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

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

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

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

1. Normally the University will not provide payment to the faculty in addition to their base contract salary rate from University-administered funds for such special activities.
2. Payment in addition to the base salary may be made for continuing education instruction which is beyond the assigned load.
3. The University recognizes that there may be instances where the adjustment in the workload assignment of a faculty member and corresponding responsibilities may justify an increase in the base contract salary. In cases where the department chairperson, the dean, and the Vice President for Academic Affairs approve of an adjustment in the salary rate of a faculty member, the President can authorize issuing a revised contract with an appropriately adjusted base salary. These special activities will involve teaching, research, administration, and/or service clearly in addition to the normal activities and responsibilities expected on these four dimensions through the regular base contract.

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

## 1: Research Grants

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

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

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

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

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

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

*Related Information*

- *UND GCA Summer Research Salary Guidance* (<http://UND.edu/research/grants-and-funding/grants-management.cfm>)
- *UND Effort Reporting Policy* (<http://UND.edu/research/files/docs/policy/1-2-effort-reporting.pdf>)

## 2: Consulting Practices

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

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

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

1. Area of professional expertise, and
2. Self-development in his or her profession. Any exceptions to this policy should be approved by the Academic Vice President.

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

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

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

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

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

## *Related Information*

- *SBHE Policy 611.1 – Employee Responsibility and Activities: Medical Service Plan – UND Medical School* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=62&SID=7>)
- *SBHE Policy 611.5 – Employee Responsibility and Activities: Outside Employment or Consulting Practices; Use of Institution Property* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=65&SID=7>)
- *NDCC 39-01-04 – Political activity defined* ([www.legis.nd.gov/cencode/t39c01.pdf](http://www.legis.nd.gov/cencode/t39c01.pdf))

## 3: Intellectual Property

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

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

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

*Responsible Office: Intellectual Property Commercialization & Economic Development*

## *Related Information*

- *UND Intellectual Property Policy* ([http://UND.edu/research/intellectual-property/\\_files/docs/ip-policy-11-7-13-und.pdf](http://UND.edu/research/intellectual-property/_files/docs/ip-policy-11-7-13-und.pdf))
- *SBHE Policy 611.2 – Employee Responsibility and Activities: Intellectual Property* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=63&SID=7>)
- *37 CFR 401 – Rights to Inventions Made by Nonprofit Organization and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements* ([http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title37/37cfr401\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title37/37cfr401_main_02.tpl))

## 4: Confidential Information

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



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

*Responsible Office: Intellectual Property Commercialization & Economic Development*

*Related Information*

- *UND Intellectual Property Policy* ([http://UND.edu/research/intellectual-property/\\_files/docs/ip-policy-11-7-13-und.pdf](http://UND.edu/research/intellectual-property/_files/docs/ip-policy-11-7-13-und.pdf))
- *UND Policy and Compliance Program Manual for United States Export Control Laws and Regulations* ([http://UND.edu/research/\\_files/docs/policy/1-4-export-control.pdf](http://UND.edu/research/_files/docs/policy/1-4-export-control.pdf))
- *SBHE Policy 611.6 – Employee Responsibility and Activities: Confidential Proprietary Information* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=66&SID=7>)
- *NDCC 44-04-18.4 – Confidentiality of trade secret, proprietary, commercial, and financial information* ([www.legis.nd.gov/cencode/t44c04.pdf](http://www.legis.nd.gov/cencode/t44c04.pdf))
- *NDCC 44-04-18.5 – Computer software programs exempt* ([www.legis.nd.gov/cencode/t44c04.pdf](http://www.legis.nd.gov/cencode/t44c04.pdf))

## 5: Conflict of Interest

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

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

*Responsible Office: Intellectual Property Commercialization & Economic Development*

*Related Information*

- *UND Conflict of Interest Policy* ([http://UND.edu/research/\\_files/docs/policy/1-8-conflict-of-interest-policy.pdf](http://UND.edu/research/_files/docs/policy/1-8-conflict-of-interest-policy.pdf))
- *UND Ethical Conduct in Research, Scholarship, and Creative Activity Policy* ([http://UND.edu/research/\\_files/docs/policy/1-9-misconduct-in-scholarship.pdf](http://UND.edu/research/_files/docs/policy/1-9-misconduct-in-scholarship.pdf))
- *SBHE Policy 611.4 – Employee Responsibility and Activities: Conflict of Interest* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=64&SID=7>)
- *NDCC 12.1-13-03 – Public servant's interest in public contracts* ([www.legis.nd.gov/cencode/t12-1c13.pdf](http://www.legis.nd.gov/cencode/t12-1c13.pdf))

## 6: Ethical Conduct in Research, Scholarship and Creative Activity

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

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

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

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

*Responsible Office: Vice President for Research and Economic Development*

*Related Information*

- *UND Ethical Conduct in Research, Scholarship, and Creative Activity Policy* (<http://UND.edu/research/files/docs/policy/1-9-misconduct-in-scholarship.pdf>)

## VI: Salary and Compensation

### 1: Salary Administration Policy for Faculty Employees

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

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

*Related Information*

- *UND Salary Administration Policy for Faculty Employees* (<http://und.edu/provost/files/docs/faculty-salary-administration-policy.pdf>)

### 2: Pay Transparency

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

*Responsible Office: Human Resources / Equal Employment Opportunity/Affirmative Action*

*Related Information*

- *UND Salary Administration Policy (contact Human Resources)*



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### 3: Compensation

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

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

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

*Responsible Office: Human Resources*

*Related Information*

- *NDUS Human Resources Policy 5 – Pay Policy*  
(<http://ndus.edu/makers/procedures/hr/?SID=24&PID=226&re=d>)
- *NDUS Procedure 702.0 – Salary Deferral/Payback Plan*  
(<http://ndus.edu/makers/procedures/ndus/default.asp?PID=336&SID=59>)

### 4: Payroll Deductions

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

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

*Responsible Office: Human Resources*

*Related Information*

- *NDUS Procedure 703.2 – Payroll Deductions*  
(<http://ndus.edu/makers/procedures/ndus/default.asp?PID=315&SID=59>)

## 5: Severance Pay

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

1. The maximum payment is the equivalent of the individual's salary and benefits (retirement and health) for two weeks per completed year of service, up to a maximum of one year of salary and benefits.
2. The number of employees in the institution, agency, or entity must be reduced by one for each individual awarded severance pay.
3. Employees may not receive severance pay if they are awarded early retirement, developmental leave, or other forms of special compensation when they leave.
4. Employees receiving severance pay must release the institution from liability and all employment rights by written agreement.
5. The severance pay agreement with an employee must provide that the employee shall reimburse the institution on a pro-rata basis if salary compensation is received from another North Dakota state agency or institution for services rendered during the time for which severance pay was received. The amount to be reimbursed shall be equal to the hourly rate of severance compensation or subsequent state compensation, whichever is less, multiplied by the number of hours of subsequent state employment during the severance pay period.

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

*Responsible Office: Human Resources*

*Related Information*

- *SBHE Policy 707- Severance Pay* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=44&SID=8>)
- *NDCC 54-14-04.3 – Severance Pay* ([www.legis.nd.gov/cencode/t54c14.pdf](http://www.legis.nd.gov/cencode/t54c14.pdf))

## VII: Benefits

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

*Responsible Office: Human Resources*

*Related Information*

- *SBHE Policy 703.2 – Benefits* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=40&SID=8>)

### 1: Medical Insurance

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

Faculty members have the option of participating in a regular medical plan or a high deductible plan with a health savings option. Single or family coverage is offered, with the University paying the full premium for any of the above options. Faculty members must enroll for the medical plan within 31 days of hire date. The insurance will become effective the first day of the month following the date of employment. After 31 days of

hire, employees must wait until the annual open enrollment or have a qualifying event under the special enrollment process to apply for health coverage.

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

*Responsible Office: Human Resources*

*Related Information*

- NDCC 54-52.1 – Uniform Group Insurance Program ([www.legis.nd.gov/cencode/t54c52-1.pdf](http://www.legis.nd.gov/cencode/t54c52-1.pdf))

## 2: Life Insurance

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

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

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

*Responsible Office: Human Resources*

*Related Information*

- NDCC 54-52.1 – Uniform Group Insurance Program ([www.legis.nd.gov/cencode/t54c52-1.pdf](http://www.legis.nd.gov/cencode/t54c52-1.pdf))

## 3: Long Term Disability Insurance

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

*Responsible Office: Human Resources*

*Related Information*

- *UND Long Term Disability Insurance Plans* (<http://UND.edu/finance-operations/human-resources-payroll/human-resources/benefits/life-disability-plan.cfm>)
- NDCC 54-52.1 – Uniform Group Insurance Program ([www.legis.nd.gov/cencode/t54c52-1.pdf](http://www.legis.nd.gov/cencode/t54c52-1.pdf))

## 4: Employee Assistance Program

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

*Responsible Office: Human Resources*

*Related Information*

- *UND's Employee Assistance Program (<http://und.edu/finance-operations/human-resources-payroll/human-resources/benefits/eap-program.cfm>)*

## 5: Workers' Compensation

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

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

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

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

*Responsible Office: UND Office of Safety*

*Related Information*

- *UND Incident Reporting Policy ([http://und.edu/public-safety/\\_files/docs/incident-reporting-policy-7-15.pdf](http://und.edu/public-safety/_files/docs/incident-reporting-policy-7-15.pdf))*
- *NDUS Human Resource Policy 8 – Worker's Compensation (<http://ndus.edu/makers/procedures/hr/?SID=27&PID=229&re=d>)*
- *NDCC 65 – Workforce Safety and Insurance (<http://www.legis.nd.gov/cencode/t65.html>)*

## 6: Faculty Maternity Leave Benefits Policy

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

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

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

Illustrations		
Length of Contract	Birth Date of Child	Leave Begins
9 months	October 1	6 weeks maternity leave begins on date of delivery
9 months	May 1	Maternity leave begins on date of delivery and extends to end of contract – May 15
9 months	August 1	Maternity leave begins on first day of contract – August 16 – and extends until September 12 (6 weeks from August 1)
9 months plus summer contract		Maternity leave period could extend into summer contract period or begin in summer contract period
9 months	October 1	Maternity leave from October 1 to November 12 Mother's medical condition prevents return to work sick leave benefit (if available, short term up to 13.5 days at 100% pay, then long term for up to 5 months at 75% pay) begins on November 12
9 months	October 1	Maternity leave from October 1 to November 12 Child's medical condition prevents return to work, or Mother wishes to remain with child after November 12 federal Family Medical Leave Act benefit (unpaid leave) begins on November 13 and extends for up to 12 weeks
9 months	October 1	Maternity leave from October 1 to November 12 Return to work on November 13 but not assigned responsibility for teaching during that semester faculty member's assignment of responsibilities for the contract period may be adjusted with full pay without teaching responsibility for all or part of the contract period

2/5/09, *Approved by University Senate*  
 3/26/09, *Approved by President Kelley*

## VIII: Retirement

### 1: Early Retirement

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

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

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

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

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

- *SBHE Policy 703.1 – Early Retirement*  
 (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=39&SID=8>)

## 2: Retirement

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

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

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

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

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

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

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

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

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

*Responsible Office: Human Resources*

*Related Information*

- *SBHE Policy 703.3 – Retirement*  
(<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=483&SID=8>)

## A: Teacher’s Insurance and Annuity Association (TIAA)

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

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

TIAA Plan Contributions as a Percent of Regular Salary		
Class I*		
Years of Service	0-10	Over 10
Your Contribution	4.5% of salary	5% of salary
Institution Contribution	12.5% of salary	13% of salary
Total	17% of salary	18% of salary

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

TIAA Plan Contributions as a Percent of Regular Salary			
Class II*			
Years of Service	0-2	3-10	Over 10
Your Contribution	3.5% of salary	4.5% of salary	5% of salary
Institution Contribution	7.5% of salary	12.5% of salary	13% of salary
Total	11% of salary	17% of salary	18% of salary

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

*Responsible Office: Human Resources*

*Related Information*

- *SBHE Policy 606.1 - Classification - Higher Education Employees*  
(<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=57&SID=7>)
- *SBHE Policy 703.3 – Retirement*  
(<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=483&SID=8>)



## B: Tax Deferred Annuities (TDA)

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

*Responsible Office: Human Resources*

*Related Information*

- *UND Enrollment Information and Plan Documents* (<http://und.edu/finance-operations/human-resources-payroll/human-resources/benefits/supplemental-retire.cfm>)
- *SBHE Policy 703.3 – Retirement* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=483&SID=8>)

## C: Retirement Income Options

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

*Responsible Office: Human Resources*

*Related Information*

- *UND Retirement Plan Documents* (<http://und.edu/finance-operations/human-resources-payroll/human-resources/benefits/tiaa-cref.cfm>)
- *SBHE Policy 703.3 – Retirement* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=483&SID=8>)

## IX: Leaves

### 1: Developmental Leave

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

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



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

*Responsible Office: Human Resources*

*Related Information*

- *SBHE Policy 701.2 – Developmental Leave*  
<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=37&SID=8>

## 2: Sick Leaves, Dependent Leave, Disability Leave, and Family Leave

### A: Sick Leave

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

### B: Short-Term Sick Leave

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

### C: Long-Term Sick Leave

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

### D: Disability Leave

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

## E: Dependent Leave

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

## F: Family Leave

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

*Responsible Office: Human Resources*

*Related Information*

- *UND Long-Term Medical and Family Leave Policy* ([http://UND.edu/finance-operations/\\_files/docs/3-8-long-term-fmla-leave.pdf](http://UND.edu/finance-operations/_files/docs/3-8-long-term-fmla-leave.pdf))
- *SBHE Policy 607.4 – Sick and Dependent Leave; Family Leave* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=185&SID=7>)

## 3: Leave Without Pay

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

*Responsible Office: Human Resources*

*Related Information*

- *UND Leave Without Pay Policy* ([http://UND.edu/finance-operations/\\_files/docs/3-5-leave-without-pay.pdf](http://UND.edu/finance-operations/_files/docs/3-5-leave-without-pay.pdf))
- *Faculty Handbook* (<http://und.edu/university-senate/faculty-handbook/>)
- *SBHE Policy 701.1 – Leave Without Pay* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=36&SID=8>)

## X: Study Opportunity

### 1: Tuition Waiver and/or Tuition Assistance

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

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

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

*Responsible Office: Human Resources*

*Related Information*

- *UND Employee and Eligible Family Member Tuition Waivers and Tuition Assistance Policy* (<http://UND.edu/finance-operations/files/docs/3-4-employee-family-tuition-waivers.pdf>)
- *SBHE Policy 820 – Tuition Waivers/Tuition Assistance* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=499&SID=9>)

## XI: Travel

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

*Responsible Office: UND Procurement and Payment Services*

*Related Information*

- *UND Travel – Employee: Advance Policy* (<http://UND.edu/finance-operations/files/docs/2-24-travel-advance.pdf>)
- *UND Employee Travel: Air and Rail Policy* (<http://UND.edu/finance-operations/files/docs/2-19-travel-air-rail.pdf>)
- *UND Employee Travel: Lodging Policy* (<http://UND.edu/finance-operations/files/docs/2-20-travel-lodging.pdf>)
- *UND Employee Travel: Meals Policy* (<http://UND.edu/finance-operations/files/docs/2-21-travel-meals.pdf>)
- *UND Employee Travel: Mileage Policy* (<http://UND.edu/finance-operations/files/docs/2-22-travel-mileage.pdf>)
- *UND Employee Travel: Other Policy* (<http://UND.edu/finance-operations/files/docs/2-23-travel-other.pdf>)
- *UND Non-Employee Travel Policy* (<http://UND.edu/finance-operations/files/docs/2-25-travel-non-employee.pdf>)
- *UND Student Travel Policy* (<http://UND.edu/finance-operations/files/docs/2-26-travel-student.pdf>)
- *SBHE Policy 706.3 – Authorization for Travel* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=43&SID=8>)
- *SBHE Policy 806.1 – Payment or Reimbursement of Meals and Other Travel or Institutional Expenses* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=27&SID=9>)
- *NDUS Procedure 806.1 – Payment or Reimbursement of Meals and other Travel or Institutional Expenses* (<http://ndus.edu/makers/procedures/NDUS/default.asp?PID=460&SID=60>)
- *NDCC 44-08 – Miscellaneous Provisions* ([www.legis.nd.gov/cencode/t44c08.pdf](http://www.legis.nd.gov/cencode/t44c08.pdf))
- *NDCC 54-06-09 - Mileage and travel expense of state officers and employees* ([www.legis.nd.gov/cencode/t54c06.pdf](http://www.legis.nd.gov/cencode/t54c06.pdf))

## 1: Use of State Vehicles

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

*Responsible Office: UND Parking and Transportation Services / UND Office of Safety*

*Related Information*

- *UND Use of State Vehicles Policy* ([http://UND.edu/finance-operations/\\_files/docs/6-2-use-of-state-vehicles.pdf](http://UND.edu/finance-operations/_files/docs/6-2-use-of-state-vehicles.pdf))
- *SBHE Policy 512 – Student Drivers and Use of State Vehicles by Student Groups* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=214&SID=6>)
- *NDCC 39-01-03 – Motor vehicle owned by the state, North Dakota art museum, or an international peace garden not to be used for private use or in political activities* ([www.legis.nd.gov/cencode/t39c01.pdf](http://www.legis.nd.gov/cencode/t39c01.pdf))

## XII: Emergency Operations

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

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

*Responsible Office: UND Office of Emergency Management*

*Related Information*

- *UND Emergency Response and Evacuation Policy* ([http://UND.edu/finance-operations/\\_files/docs/6-7-emergency-response-evacuation.pdf](http://UND.edu/finance-operations/_files/docs/6-7-emergency-response-evacuation.pdf))
- *UND Administering Timely Warnings Policy* ([http://UND.edu/finance-operations/\\_files/docs/6-8-timely-warning.pdf](http://UND.edu/finance-operations/_files/docs/6-8-timely-warning.pdf))

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### XIII: Research Utilizing Human Subjects

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

*Responsible Office: Institutional Review Board*

*Related Information*

- *UND IRB Authority and Purpose Policy* (<http://UND.edu/research/resources/files/docs/101.pdf>)
- *UND Activities Requiring IRB Review Policy* (<http://UND.edu/research/resources/human-subjects/files/docs/102.pdf>)

### XIV: UND Tobacco-Free Campus Policy

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

*Responsible Office: UND Health & Wellness*

*Related Information*

- *UND Tobacco-Free Campus Policy* (<http://UND.edu/finance-operations/files/docs/tobacco-free-campus.pdf>)

### XV: UND Alcohol and Drug Policy

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

*Responsible Office: UND Finance and Operations Policy Office*

*Related Information*

- *UND Alcohol and Drug Policy* (<http://UND.edu/finance-operations/files/docs/6-4-alcohol-drugs.pdf>)
- *SBHE Policy 615 – Drug-Free Workplace* (<http://ndus.edu/makers/procedures/sbhe/default.asp?PID=70&SID=7>)

### XVI: Campus Security

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the University of North Dakota publishes an annual security and fire safety report. The report includes the university's policies, procedures, and programs concerning safety and security, as well as three

years of crime statistics for the campus. This report must be distributed to all current and prospective students, faculty, and staff.

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

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

*Responsible Office: Department of Public Safety*

*Related Information*

- *UND Annual Security and Fire Safety Report (<http://UND.edu/annual-security-report>)*

## XVII: Claims

### 1: Liability Claims

The University of North Dakota is committed to the protection of its employees, visitors, facilities, information systems, and financial resources. Safety and loss control programs are provided for the benefit of employees, visitors, taxpayers, and the environment. UND's management program and its loss control committee shall serve as a source for leadership and policy guidance on matters affecting risk management, environmental and occupational health, safety, and the security of persons and properties. Loss control requires the commitment of everyone at all levels – division directors, risk management contacts, safety directors, and all employees.

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

*Responsible Office: UND Office of Safety*

*Related Information*

- *UND Incident Reporting Policy (<http://und.edu/public-safety/files/docs/incident-reporting-policy-7-15.pdf>)*

### 2: Risk Management Fund/Lawsuits Against Employees

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

#### A: Procedures in the Event of a Lawsuit

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

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



*Responsible Office: UND Risk Management and UND Legal Counsel*

*Related Information*

- NDCC 32-12.2 – Claims against the state ([www.legis.nd.gov/cencode/t32c12-2.pdf?20130719145209](http://www.legis.nd.gov/cencode/t32c12-2.pdf?20130719145209))

