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Alice T. Clark Academic Affairs Box 002

Minutes	of	the University	y Senate	Meeting	/
		April 30, 1	92		_

1.

The May meeting of the University Senate was held at 3:05 p.m. on Thursday, April 30, 1992, in room 7, Gamble Hall. Lonny Winrich presided.

2.

The following members of the Senate were present:

Clifford, Thomas J. Akers, Thomas Antes, James Beiswenger, Lyle Bender, Myron Bostrom, Donald Clark, Alice T. D'Andraia, Frank Dallin Stephanie Dawes, Kenneth DeMers, Judy Elsinga, Lillian Engel, Dean Frein, George H. Gabrynowicz, Joanne Gard, Betty Gott, Gary Hamerlik, Gerald Hampsten, Elizabeth Harris, Mary

Hein, David Heitkamp, Thomasine Henry, Gordon Hess, Carla Wulff Hoffarth, Al Hunter, Susan Irwin, Nathan Iseminger, Gordon Jacobsen, Bruce Johnson, A. William Karner, Frank R. Knull, Harvey R. Koozin, Timothy Kweit, Robert W. Lawrence, W. Fred Lee, Randy H. Lewis, Robert Lindholm, Lynn M. McElroy-Edwards, J. McKenzie, James Merrill, Lois J. Moen, Janet Kelly Munski, Douglas Naismith, Donald P. Nielsen, Monty E. O'Donnell, Sheryl Owens, Thomas C. Phillips, Monte Pynn, Ronald E. Radonovich, Lewis Sanborn, Patricia Schubert, George W. Schmitt, Sue Tweton, D. Jerome Vickrey, Barry Volden, Cecilia Williams, John A. Winrich, Lonny

The following members of the Senate were absent:

Becker, Keith Berg, Mark Berg, Shane Boyd, Robert Dahl, Ivan Davis, W. Jeremy Devine, Judy Franklin, Elizabeth Henriksen, Mogens James, Edwin C. Jechort, Daniel Kantrud, Alan Lang, Gretchen Mikkelson, Mike Muus, Dan O'Kelly, Bernard O'Kelly, Marcia Odegard, John Poolman, James Raposo, Jorge Shubert, Elliot Zellers, Kurt Zimmerman, Sonia Zimney, Kory The Chair made the following announcements: 1) a meeting to discuss the North Dakota University System's Seven Year Plan, required by the State Legislature, will be held on Tuesday, May 5, at 7:00 p.m. in the Engelstad Arena; 2) the ad hoc committee on the Grievance Process will report to the Senate in October; 3) in the spirit of Senate rules, this meeting will adjourn at 4:30 p.m. unless special action is taken to continue beyond that time; 4) a reception hosted by President Clifford will be held, immediately following this meeting, at the Alumni Center.

4.

The Chair asked if there were corrections to the minutes of the April 2 meeting and hearing none, declared the minutes approved as distributed.

5.

President Clifford addressed the Senate on the University's long tradition of Excellence in Faculty Governance. Lonny Winrich presented a token of appreciation from the Senate to President Clifford and acknowledged Earl Strinden and the Alumni Office for the funding.

Mr. Winrich moved the following resolution:

- WHEREAS: The unprecedented service of President Thomas J. Clifford is worthy of singular recognition,
- THEREFORE BE IT RESOLVED THAT: The University Senate expresses its great admiration and sincere appreciation for his many contributions to the University of North Dakota.

Ms. DeMers seconded the motion which was voted upon and carried unanimously.

6.

Mr. Johnson moved the following resolution:

The Senate of the University of North Dakota, in behalf of the campus community, expresses its appreciation to the members of the Presidential Search Committee for efficient and effective accomplishment of their responsibilities pursuant to the selection of a new President for the University of North Dakota.

The motion was seconded by Ms. Lindholm, Mr. Irwin and Mr. Schubert. The motion was voted upon and carried unanimously.

Ms. O'Donnell announced that Sandra Turner and Sharon Carson will be signing people up for membership in the NAACP and further information is available from the English department.

8.

Mr. Schubert moved approval of the annual report of the Curriculum Committee. Mr. Jacobsen seconded the motion which was voted upon and carried.

9.

Robert King, Chair of the Faculty Research Committee presented the annual report. Mr. Dawes moved approval and Mr. Akers seconded the motion which was voted upon and carried.

10.

Mr. Vickrey moved to adopt the report of the Committee on Committees on membership to Senate Committees. Ms. DeMers seconded the motion which was voted upon and carried unanimously. (See attachment #1.)

11.

Mr. Nielsen presented the tentative list of Candidates for Degrees in May 1992, and moved that the list be approved for recommendation to the State Board of Higher Education for the awarding of the degrees indicated, upon satisfactory completion of the work of the present semester. Mr. Lee seconded the motion which was voted upon and carried unanimously.

12.

Bruce Eberhardt, Chair of the Admissions Committee, presented the following recommendation for exemptions from the admissions core curriculum required by the State Board of Higher Education which are scheduled to take effect for students entering the University beginning with the Summer Session, 1993:

1. The following exemption categories <u>may</u> be used in making admission decisions:

- A. Individuals scoring 23 or greater on the ACT
- B. Individuals with an overall average of 50 on the entire GED exam and with no score lower than 40 on any of the subparts
- C. Individuals deficient in any <u>one</u> area by <u>one</u> unit who have <u>two</u> units of a single classical or modern language, including American Sign Language and Native American Languages
- D. Individuals with a high school GPA of 3.00 or above

- 2. Appeals Process
 - The Admissions Committee requests approval of the

following appeals process: The Admissions Office will send out the letter of denial to those applicants who do not meet admission requirements. The letter of denial will inform the denied student that an appeal process exists. The Student Affairs Office will be notified of denials of individuals who belong to particular student groups (e.g. disabled students, Native Americans, etc.)

If an applicant chooses to appeal an admissions denial, he/she requests the appeal form from the Admissions Office, who in turn sends out the appeals form. The completed form is due back in the Admissions Office by the date established for the term in question.

A three-person subcommittee of the UAC will act upon appeals in a timely manner. A representative of the Student Affairs area will be invited to appeals proceedings to appear as a non-voting advocate for special interest students.

Mr. Kweit moved approval of the exemption categories and Ms. DeMers seconded the motion. Discussion followed. The motion was voted upon and carried by a vote of 50 for and 3 other.

Mr. Kweit moved approval of the appeals process with an editorial change in the first sentence so that it will read: "The Admissions Office will send out the letter of denial to those applicants who do not meet admission requirements and are not exempted from those requirements." Mr. Jacobsen seconded the motion and discussion followed. Mr. Vickrey moved to amend the motion by removing the words, (e.g. disabled students, Native Americans, etc.) and replacing them with the words, "specified by the Student Affairs Office." Mr. Akers seconded the motion to amend. Ms. Volden moved to amend the amended Discussion followed. sentence to read, "The Student Affairs Office will be notified of The motion to amend the amendment was seconded. all denials. Mr. Vickrey withdrew his amendment and discussion continued. Ms. Volden's amendment was voted upon and defeated by a vote of 8 for, 40 against, 2 abstaining, and 2 other.

Mr. Vickrey moved his original amendment and Mr. Akers seconded. The amendment was voted upon and carried with 47 voting for, 1 against, 2 abstaining and 2 other.

The motion, as amended, was voted upon and carried by a vote of 51 for and 1 other.

Mr. Schubert moved the following recommendation from the Academic Policies Committee on rewording the definition of Good Academic

Standing to read:

"A student who has earned less than 90 total hours will be considered in Good Academic Standing if he/she maintains a UND Grade Point Average (GPA) of C (2.00) or higher. A student who has earned 90 or more total hours will be in Good Academic Standing only with a 2.00 or higher GPA on both UND and cumulative hours. Note: It is possible to be in Good Academic Standing at the University and, yet, to not be in Good Academic Standing in certain University programs which require a GPA higher than 2.00."

Ms. Volden seconded the motion and discussion followed. Mr. Nielsen requested an editorial change by adding the phrase, "Effective Fall 1992." There being no objection, this was added. The motion was voted upon and carried by a vote of 50 for and 1 against.

14.

Mr. Radonovich moved a proposal from the faculty of the UND Center for Peace Studies for incorporation into the College of Arts and Sciences effective May 15, 1992. The College of Arts and Sciences requests that the University Senate ratify this jurisdictional move from the President's Office to Arts and Sciences. Mr. Hamerlik seconded the motion.

The motion was voted upon and carried by a vote of 49 for and 2 against.

15.

Ms. Volden moved the proposed amendments to the Code of Student Life. (See attachment #2.) Ms. Elsinga seconded the motion. Ms. Lindholm moved to separate the question. The following Section 1: 1-1A was discussed.

SECTION 1: General University Policies 1-1 Equal Opportunity/Affirmative Action Policy Statement A. Equal Employment

The University of North Dakota practices a policy of nondiscrimination in recruiting, hiring, and promoting all of its employees--faculty, staff, and students. It is committed to administering all personnel actions--demotion, transfer, use of facilities, treatment during employment, rates of pay or other forms of compensation, selection for training, lay off, or termination--without regard to race,

color, national origin, religion, sexual orientation, sex, age, creed, marital status, veteran's status, political belief or affiliation or physical, mental, or medical disabilty unrelated to the ability to engage in activities involved with the job. The University of North Dakota actively supports an affirmative action program in order to provide equal employment and educational opportunity in all areas: academic, supportive, and construction. (ADD: The University strongly disapproves and discourages any abusive or discourteous speech or action based on or related to race, religion, age, creed, color, sex, disability, sexual orientation, national origin, marital status, or veteran's status. All members of the University community and all others having access to the University's facilities are expected to honor the University's position in these matters.)

Mr. Johnson moved to suspend the 4:30 rule of adjournment and continue the meeting until completion of business. Mr. Hein seconded the motion which was voted upon and carried by a vote of 46 for and 3 against.

Discussion continued on Section 1: 1-1A. Mr. Vickrey moved to defer consideration of the proposed addition. Mr. Schubert seconded the motion which was voted upon and carried by a vote of 33 for, 9 against and 5 abstaining.

Section 1-1 B was considered. Mr. Lee moved to amend the following item in three areas:

B. Educational Programs and Activities

It is the policy of the University of North Dakota that no person shall be discriminated against because of race, religion, age, creed, color, sex, disability, sexual orientation, national origin, marital status, veteran's status or political belief or affiliation, and that equal opportunity and access to facilities shall be available to all. This policy is particularly applicable in the admission of students in all colleges and in their academic pursuits. It is also applicable in University owned or University approved housing, food services, extra curricular activities, and all other student services. It is the guiding policy in the employment of students either by the University or by outsiders through the University and in the employment of faculty and staff.

The Title IX and Section 504 Coordinator and affirmative action officer for UND is Sally J. Page. She is located in the Affirmative Action Office, 307 Twamley Hall. The mailing address is Box 8065 University Station, Grand Forks, ND, 58202, telephone (701)777-4171.

(ADD: Any student or employee who believes that he or she has been discriminated against or harassed because of race, religion, age, creed, color, sex, disability, sexual orientation, national origin, marital status or veteran's status, is urged to consult the Affirmative Action Officer.)

7

Concerns regarding Title IX, Title VI, and Section 504 may be addressed to her or to the Office for Civil Rights, U.S. Department of Education, 1961 Stout Street, Denver, CO 80294. (For specific grievance procedures for equal opportunity violations, please see Appendix I.) (DELETE: Examples of concerns might include harassment, working conditions, compensation, and any other perceived violations of the above policy.)

In the first sentence, delete the word, "person" and replace with the words "student shall discriminate and no student." In the section to be added the words "or employee" in the first sentence should be deleted. A sentence should be added after the first sentence, in that paragraph, to read: "Any student found to have engaged in such discrimination or harassment shall be disciplined." Mr. Irwin seconded the motion and discussion followed. The three changes were voted upon and carried by a vote of 43 for, 2 against and 1 abstaining.

Section 1-1B., as amended, was voted upon and carried unanimously.

Section 1-3 was considered. Mr. Johnson moved to delete the sentence to <u>ADD</u> which reads: "Any action by faculty, staff, or students which interferes with an individual's educational program, receipt of benefits or services, or access to programs or other University functions will be considered in violation of the University's equal opportunity policy. Mr. Lee seconded the motion and discussion followed. The motion was voted upon and carried by a vote of 43 for and 1 against.

Mr. Lee moved to change the phrase listed under the fourth <u>ADD</u> in 1-3 from "harassment of students, faculty, and staff" to "harassment of or by students." The motion was seconded and this amendment was voted upon and carried by a vote of 46 for and 1 against.

Discussion continued regarding a broader definition and what would be the consequences for the University.

Mr. Henry moved that the proposed amendments to the Code of Student Life, with the deletion of 2-2N, be referred back to committee. Mr. Engel seconded the motion to refer. The motion to refer and approval of the deletion of 2-2N was voted upon and carried by a vote of 37 for and 1 abstaining. Mr. Pynn moved the following resolution:

Be it resolved, the University Senate expresses its sincere appreciation to Alice T. Clark for her sensitive and dedicated commitment to the University of North Dakota as Vice-President for Academic Affairs.

Upon this, her last Senate meeting before retirement, the University Senate acknowledges and recognizes her efforts on behalf of the faculty and students at the University of North Dakota.

Mr. Schubert seconded the motion which was voted upon and carried unanimously.

17.

The Chair reported that the Senate lost its quorum.

Ms. Clark stated that the ad hoc committee on Promotion of Diversity at UND has distributed a draft report to the Senate members at this meeting and is seeking input so that a report can be submitted to WICHE's Institute on Diversity in North Dakota by July 5. She requested that any input be sent as soon as possible to the members of the committee so that the report can be submitted.

18.

The meeting was adjourned at 5:10 p.m.

Monty Nielsen Secretary

21.2	NOMINATIONS FOR SENATE COMMITTEES				E COMMITTEES	Attachment #		
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Signature of Senator

11

Proposed Amendments to Code of Student Life

SECTION 1: General University Policies

- 1-1 Equal Opportunity/Affirmative Action Policy Statement
- A. Equal Employment

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The University of North Dakota practices a policy of nondiscrimination in recruiting, hiring, and promoting all of its employees--faculty, staff, and students. It is committed to administering all personnel actions--demotion, transfer, use of facilities, treatment during employment, rates of pay or other forms of compensation, selection for training, lay off, or termination--without regard to race, color, national origin, religion, sexual orientation, sex, age, creed, marital status, veteran's status, political belief or affiliation or physical, mental, or medical disability unrelated to the ability to engage in activities involved with the job. The University of North Dakota actively supports an affirmative action program in order to provide equal employment and educational opportunity in all areas: academic, supportive, and construction. [ADD: The University strongly disapproves and discourages any abusive or discourteous speech or action based on or related to race, religion, age, creed, color, sex, disability, sexual orientation, national origin, marital status, or veteran's status. All members of the University community and all others having access to the University's facilities are expected to honor the University's position in these matters.]

B. Educational Programs and Activities

It is the policy of the University of North Dakota that no personal shall be discriminated against because of race, religion, age, creed, color, sex, disability, sexual orientation, national origin, marital status, veteran's status or political belief or affiliation, and that equal opportunity and access to facilities shall be available to all. This policy is particularly applicable in the admission of students in all colleges and in their academic pursuits. It is also applicable in University owned or University approved housing, food services, extra curricular activities, and all other student services. It is the guiding policy in the employment of students either by the University or by outsiders through the University and in the employment of faculty and staff.

The Title IX and Section 504 Coordinator and affirmative action officer for UND is Sally J. Page. She is located in the Affirmative Action Office, 307 Twamley Hall. The mailing address is Box 8065 University Station, Grand Forks, ND 58202, telephone (701)777-4171. [ADD: Any student or employee who believes that he or she has been discriminated against or harassed because of race, religion, age, creed, color, sex, disability, sexual orientation, national origin, marital status, or veteran's status, is urged to consult the Affirmative Action Officer.] Concerns regarding Title IX, Title VI, and Section 504 may be addressed to her or to the Office for Civil Rights, U.S. Department of Education, 1961 Stout Street, Denver, CO 80294. (For specific grievance procedures for equal opportunity violations, please see Appendix I.) [DELETE: Examples of concerns might include harassment, working conditions, compensation, and any other perceived violations of the above policy.]

1-3 Prohibition Against Sexual [ADD: Racial, National Origin, Sexual Orientation, and Religious] Harassment

Consistent with federal statutes [ADD: and academic accreditation standards] prohibiting sex [ADD : , race, national origin, sexual orientation, and religious] discrimination in educational programs and in employment, the University of North Dakota prohibits sexual [ADD :, race, national origin, sexual orientation, and religious] harassment of students, faculty, and staff. The primary goals of this policy are to prevent [DELETE : sexual harassment and to prevent] the objectionable behavior whenever it occurs. All University students, faculty, and staff are expected to comply with this policy. The University will take preventive and corrective action to maintain a working and learning environment free from sexual [ADD : , racial, national origin, sexual orientation, and religious harassment. [ADD: Any action by faculty, staff, or students which interferes with an individual's educational program, receipt of benefits or services, or access to programs or other University functions will be considered in violation of the University's equal opportunity policy.] [DELETE : Individuals who sexually harass students, faculty and staff will be subject to appropriate disciplinary action, and University officials will respond to sexual harassment complaints brought to their attention.] Retaliation against the person who initiates an inquiry or complaint is prohibited, and any such action will be [DELETE : further] [ADD : an independent] cause for disciplinary action.

For the purpose of implementation of this policy, sexual harassment is defined as any attempt to coerce a person into a sexual relationship or to subject a person to unwanted sexual attention or to punish a refusal to comply with sexual demands. Sexual harassment may consist of requests or demands for sexual favors, unwelcomed physical advances, or conduct (verbal or physical) of a sexual nature that is intimidating, demeaning, hostile, or offensive or that creates an atmosphere that is

perceived to be intimidating, demeaning, hostile or offensive. Often sexual harassment involves an authority relationship in which the person who is subjected to the harassment is vulnerable with respect to employment or academic status. Sexual harassment may also occur when the kinds of behaviors previously mentioned interfere with the individual work experience or the student's educational experience or where the employee or student is denied full and equal participation and opportunities. Some behavior such as a demand for sexual favors in return for a promotion or a better grade are clearly prohibited while others--such as touching or joking--constitute sexual harassment if the behavior persists despite an indication by the recipient that it is unwelcome If this behavior occurs in an academic setting or at the work place, and the professor or supervisor is aware of the harassment, he/she has the responsibility to ensure that such harassment ceases. [Add: Individuals who sexually harass students, faculty or staff will be subject to appropriate disciplinary action, and University officials will respond to sexual harassment complaints brought to their attention.]

A complete copy of the current University policy concerning sexual harassment, including alternative channels and procedures available for seeking advice and for filing reports or complaints, can be obtained from the Dean of Students Office, the Affirmative Action Office and the Women's Center.

1-4 Hazing [DELETE: Harassment]

Hazing <u>DELETE: or harassment</u>] is defined as any action taken or situation created intentionally to produce psychological or physical discomfort, embarrassment, or ridicule. It is assumed that all University of North Dakota students, student groups, faculty, and staff are interested in intellectual and social development of individual members; therefore, in activities no action will be taken which stands to endanger the health of the individual, or demand of him or her undignified conduct, or in any way jeopardize his or her scholastic standing or general well-being. For these reasons, all forms of hazing [DELETE: or harassment] on the part of any student groups--whether on or off University property--are expressly prohibited.

For further information on what constitutes hazing behavior, refer to Section 2-2-E of the Code or contact the Office of Student Organizations.

14

SECTION 2: Conduct Regulations And Procedures

2-1 Introduction ...

- 2-2 Regulations ...
 - [DELETE: N. Discriminates against another student by using offensive speech or behavior of a biased or prejudiced nature relating to one's personal characteristics, such as race, color, national origin, sex, religion, sexual preference, disability, age, physical characteristics, or political ideology.]

Change "0" to "N"