



3-6-2003

**March 6, 2003**

University of North Dakota

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Minutes of the University Senate Meeting  
March 6, 2003

1.

The March meeting of the University Senate was held at 4:05 p.m. on Thursday, March 6, 2003 in Room 7, Gamble Hall. Jan Goodwin presided.

2.

The following members of the Senate were present:

Alleva, Patti	Hansen, Kenneth	Potvin, Martha
Anderson, Angie	Heitkamp, Thomasine	Rakow, Lana
Bagheri, Fathollah	Hoffmann, Mark	Rice, Daniel
Benoit, Joseph	Hume, Wendelin	Romanick, Mark
Boyd, Robert	Jackson, Jon	Ruff, Nick
Bridewell, John	Jenniges, Sharleen	Shaeffer, James
DeMers, Judy	Jeno, Susan	Shaeffer, Margaret
Drewes, Mary	Jerath, Sukhvarsh	Skramstad, Allan
Effertz, Kayla	Krogh, Nancy	Stanlake, Lowell
Elbert, Dennis	Kupchella, Charles	Stofferahn, Curtis
Elsinga, Lillian	Lee, Randy	Sukalski, Katherine
Ettling, John	Lovseth, Jon	Thompson, Myra
Fivizzani, Albert	Marshall, David	Thureen, Faythe
Gagnon, Gregory	Murphy, Eric	Tschacher, Walter
Gallager, Robert	Norman, Katherine	Watson, John
Goenner, Cullen	Perry, David	Zierdt, Candace
Goodwin, Janice	Petros, Thomas	

3.

The following members of the Senate were absent:

Alfonso, Peter	Kenville, Kimberly	Sheridan, William
Baker, Adam	Knight, Barbara	Smith, Bruce
Bartsch, Brent	Levang, Chris	Stolt, Wilbur
Blackburn, Royce	McBride, Rosanne	Tiffany, Mark
Downie, Morgan	Nichols, Elizabeth	Venhuizen, Brett
Gerber, Anne	Okunishi, Takeshi	Wilson, H. David
Hanhan, Sara	Porter, James	Zidon, Margaret
Hikins, James	Porter, Kimberly	
Hildre, Nate	Romero, Alan	
Jose, Matt	Ryan, Steffen	

4.

The following announcements were made:

- A. Mr. Lovseth announced that Adam Baker and Amanda Anderson were elected as student government president and vice president.
- B. Mr. Gagnon announced that we should thank the outgoing members of the student government for their service.

C. Ms. Goodwin announced that the President sent her a memo telling her the constitution revisions had been sent to the State Board of Higher Education for consideration.

5.

The chair asked for corrections to the February 6, 2003 minutes. There being none, the minutes were approved as distributed.

6.

The chair opened the question period at 4:15 p.m.

Mr. Petros asked the Provost and the President why Pick-A-Prof was still on the UND web page and if that signified endorsement by the University. The Provost said that he did not object to it being on the web pages but this did not signify endorsement.

Ms. Rakow asked about IRB approval for Pick-A-Prof and if that had been investigated. Mr. Lovseth said they had checked and because it is not a survey but a free response, IRB did not apply. Mr. Petros asked the student government to produce written confirmation from IRB that their approval was not necessary. Mr. Lovseth agreed to bring that to the next Senate meeting.

Ms. Goodwin asked Mr. Lovseth if there was anything further to report from student government from the Senate resolution? Mr. Ruff asked to reply and stated that if the comments section of the University Teaching Evaluation forms would be available to Pick-a-Prof then the comments that students can currently post would not be needed.

Mr. Jackson asked about the resolution and asked if student government had considered it. Mr. Lovseth replied that the student senate had discussed the points on the resolution at two different meetings. The conclusion was that this was a service purchased by the students to provide a service they wanted. He added that student senators do want to find ways to continue to work with the faculty on this issue.

Mr. Jerath questioned whether the University Senate, as the legislative body of the University, really carried any weight or power to affect this, and if not, asked what kind of a legislative body it is.

Mr. Stofferahn commented that faculty members and former students could log in as students and post comments. He commented that the system had many errors. He asked if Mr. Lovseth had checked into these problems. Mr. Lovseth replied that he had and that they were working on fixing this.

Mr. Petros commented that perhaps it was time for another approach to Pick-A-Prof.

Ms. Rakow asked how errors on the system should be addressed. Mr. Lovseth said that first institutional research should be contacted to check the accuracy of their summaries and that other problems could be addressed to student government. Ms. Goodwin asked Mr. Lovseth if Student Government could develop a help sheet for faculty that outlined what to do if a faculty member had concerns or problems about comments that were posted or if any other errors were found. Mr. Lovseth agreed.

Ms. Goodwin asked the President to update the Senate about the legislative session. The President reviewed his recent contacts with legislators. He gave the group several examples of possibilities for centers of excellence in

research and examples of centers of excellence outside of research. He reported that questions from the legislators were mostly about how to reinvent North Dakota and how to keep young people in the state. Another revenue forecast is due and will have an effect on the legislation. All in all, the President reported that it was a cordial event.

Mr. Murphy asked the President how the legislators felt about possible increases in tuition. The President replied that their attitude is generally supportive as they consider that increased funding from the state is not available. The President has emphasized the affordability of a UND education to the legislators.

The question period closed at 4:40 p.m.

7.

Mr. Marshall moved that the annual reports of the Student Academic Standards Committee, the Administrative Procedures Committee, and the Summer Sessions Committee be received and filed. The motion was approved unanimously.

8.

The Curriculum Committee presented a slate of curriculum changes for approval to the Senate. The motion was approved unanimously.

9.

The Committee on Committees presented the ballot for nominations to Senate committees. The chair asked each member to record his or her preference for each committee for the final vote on the entire ballot at the April meeting. The preferences were collected and will be tallied for a vote at the April Senate meeting.

10.

Mr. Lee, for the Standing Committee on Faculty Rights, presented proposed guidelines for faculty engaged in employment controversy with the University. Mr. Lee moved the adoption of the resolution including all four items of the resolution. Discussion ensued. Mr. Ettling moved to table the resolution until he could meet with the members of the Standing Committee on Faculty Rights. The motion carried 44 in favor with 3 opposed.

11.

The Senators discussed how the resolution would be considered and there were several comments about changes in wording. Mr. Petros asked that anyone having concerns about the resolution submit them before the next Senate Executive Committee on March 14.

12.

Mr. Lee presented a resolution from the Standing Committee on Faculty Rights to accomplish local implementation of the Board of Higher Education Policy Manual §605.3 subsections 6 and 7 through the Senate Budget, Restructuring and Reallocation Committee and moved to approve this resolution. Discussion ensued.

TO: University Senate

13.

Mr. Petros moved to extend the meeting for ten minutes. The motion was approved 39 in favor and 4 opposed with 1 abstention.

DATE: February 14, 2003

14.

RE: Annual Student Academic Standards Committee Report to Senate

Discussion on Mr. Lee's motion continued. The motion carried unanimously with one abstention.

The Student Academic Standards Committee, at its regular meeting held on February 11, 2003, discussed the Committee's findings with the Senate.

15.

Mr. Lee moved to approve the new description of the Budget, Reallocation and Restructuring Committee. Minor editing changes were accepted by Mr. Lee. The motion was approved unanimously with one abstention.

16.

The meeting adjourned at 5:34 p.m.

Nancy Krogh  
Secretary to the Senate

Fall 2001-Spring/Summer 2002, members held all meetings between the dates of September 26, 2001, and August 12, 2002. Fall 2002-Spring/Summer 2003, meetings began meeting on October 4, 2002 and have held 6 meetings to date.

Members:

Spring 2002

- Doug Minski
- Nela Foreman
- Sue Winters
- Patrick Luber
- Leora Olson
- Nancy Vogelkamp-Foia
- Stacie Vainion - VPAA designee
- Kelsey Wallender - student member
- Chris Levey - student member
- Nancy Krogh - ex-officio
- non-voting chair

Fall 2002

- Leora Olson
- Nancy Krogh
- Doug Minski
- Nela Foreman
- Patrick Luber
- Leora Olson
- Stacie Vainion - VPAA designee
- Erica Martin - student member
- Mark Millerud - student member
- Nancy Krogh - ex-officio
- non-voting chair

STUDENT ACADEMIC STANDARDS COMMITTEE SUMMARY REPORT FOR 2002

4. Students dismissed:

- 1. Dismissed after Spring Semester 2002 681
- 2. Dismissed after Summer Session 2002 27
- 3. Dismissed after Fall Semester 2002 119
- Total Dismissed for year 827

TO: University Senate

FROM: Nancy Krogh, Chair, Student Academic Standards Committee

DATE: February 14, 2003

RE: Annual Student Academic Standards Committee Report to Senate

The Student Academic Standards Committee, an appeals board, meets upon demand. The Committee functions within the guidelines approved by the Senate on February 3, 1983, as revised in April, 1985, and again as revised on March 4, 1999. A summary of the year's Probation/Dismissal, Reinstatement, Academic Grievance and exceptions to admission standards activities is indicated below.

Because of the confidential nature of the information about the students, the committee keeps no written minutes other than a statement about the action taken with respect to each student seeking reinstatement. When a grade grievance is the issue before the committee, minutes are kept of the entire proceedings.

The committee meets as needed, with the greatest demand usually occurring at a time immediately preceding the beginning of a term.

Fall 2001-Spring/Summer 2002, members held 11 meetings between the dates of September 26, 2001 and August 12, 2002. Fall 2002-Spring/Summer 2003, members began meeting on October 4, 2002 and have held 5 meetings to date.

Membership:

Spring, 2002

Doug Munski  
 Nels Forsman  
 Sue McIntyre  
 Patrick Lubert  
 Bette Olson  
 Nancy Vogelanz-Holm  
 Stacie Varnson - VPAA designee  
 Kelcey Wallender - student member  
 Chris Levang - student member  
 Nancy Krogh - ex-officio  
 non-voting chair

Fall, 2002

Richard Ferraro  
 Birgit Hans  
 Douglas Munski  
 Nancy Vogelanz-Holm  
 Patrick Lubert  
 Bette Olson  
 Stacie Varnson - VPAA designee  
 Erica Martin - student member  
 Matt Hillerud - student member  
 Nancy Krogh - ex-officio  
 non-voting chair

STUDENT ACADEMIC STANDARDS COMMITTEE SUMMARY REPORT FOR 2002:

A. Students dismissed:

1. Dismissed after Spring Semester 2002	433
2. Dismissed after Summer Session 2002	63
3. Dismissed after Fall Semester 2002	<u>274</u>
Total dismissed for year	770

TO: University Senate

FROM: Nancy Krogh, Chair, Administrative Procedures Committee

DATE: February 14, 2003

RE: Annual Administrative Procedures Committee Report to the University Senate

I. The Administrative Procedures Committee met on 14 occasions to review student petitions for deviations from university-wide academic requirements and policies, related to registration deadlines, grade changes, and all other administrative procedures not reserved to the jurisdiction of the Deans, except for general education requirements.

The summary table below reports the activity of the committee from February 22, 2002 through January 30, 2003.

II. Membership:

Spring 2002

Fall 2002 and Spring 2003

Dean Daniel Rice  
 Dean Martha Potvin  
 David Perry  
 Sonia Zimmerman  
 Allan Skramstad  
 Kimberly Kenville  
 Peter Schumacher  
 Danielle Elbert, Student Representative  
 Nancy Krogh, ex officio, non-voting chair

Dean Martha Potvin  
 Dean John Watson  
 Sonia Zimmerman  
 Allan Skramstad  
 Kimberly Kenville  
 Peter Schumacher  
 Wes Stevens  
 Tod Bushy Student Representative  
 Nancy Krogh, ex officio, non-voting chair

III. ADMINISTRATIVE PROCEDURES COMMITTEE REPORT FOR 2001-02

A. Petitions by type:	<u>Approved</u>	<u>Denied</u>	<u>Total</u>
1. Drops after deadline	62	53	115
2. Grade changes	34	12	46
3. Change to/from S/U	4	6	10
4. Change to/from Credit to Audit	2	6	8
5. Remove "W" from record	4	4	8
6. Withdraw after deadline	5	4	9
7. Permanent Incomplete	1	0	1
8. Accept transfer credit	2	0	2
9. Grade Forgiveness	1	1	2
10. Waive 60 credit requirement	1	0	1
11. 30 credits required for Graduation	0	1	1
12. Repeat 1 course with another course	1	2	3
13. Remove transfer credit	0	2	2
14. Mark Exam credit as a repeat	1	1	2
15. Change course after degree granted	1	0	1
16. Mark repeat after degree was granted	0	1	1
17. Challenge a course	<u>0</u>	<u>1</u>	<u>1</u>
	119	94	213

B. Personal re-considerations after denials: 4 Approved, 7 Denied, 11 Total



SUMMER SESSION 2002 BY THE NUMBERS

DEPARTMENT OF PHYSICS  
P.O. BOX 7129  
GRAND FORKS, NORTH DAKOTA 58202-7129  
TELEPHONE: (701) 777-2911  
FAX: (701) 777-3523

MEMORANDUM

To: University Senate, Jan Goodwin, Chairwoman  
From: Graeme Dewar, Chair, Summer Sessions Committee  
Stacie Varnson, Director, Summer Sessions

Date: January 29, 2003

Re: Annual report of the committee

Registrar's Office

515 778 16 1003

The Summer Sessions Committee met on September 17 and December 17, 2001, and May 9, 2002. Discussions centered primarily on faculty salary issues and the transition to a six-and-six calendar. Goals for Summer 2002 were to increase enrollments by approximately 5%, increase the number of evening courses, and increase the number of new freshman students. The first two of these goals were met handily, while the third remained stagnant.

Ray Diez, committee chair, and Dr. Varnson sent a formal memo to the president on behalf of the entire committee urging him to budget more money to Summer Sessions for faculty salary raises.

Dr. Varnson made a formal report to the Cabinet in August 2002, highlighting the newly-completed summer session and outlining plans and marketing strategies for 2003.

Attached is the executive summary of the Summer Sessions Annual Report, which contains additional statistics and recommendations. The full report may be viewed at the Office of the Provost, or the Summer Sessions Office.

Registrar's Office

JAN 29 2003



## SUMMER SESSION 2002 BY THE NUMBERS

Enrollment (including Continuing Ed. correspondence students)	4290
Increase in enrollment from 2001	10.4%
Number of faculty employed (including GTAs)	280
Salary increase for faculty	3%
Regular courses offered (not including individual instruction courses, and not counting multiple sections)	397
Courses canceled for low enrollment	14
Evening or weekend courses	43
Margin (revenue generated minus payroll)	\$1.516 million

### Analysis and Recommendations

Again for summer 2002, marketing efforts are bearing fruit, and should be continued and expanded. UND is, frankly, way behind on the marketing of summer session.

Increasing enrollments in previously underserved populations, such as high-school students or senior citizens, will involve the creation of new programs, or at least increased marketing of existing offerings that might be of interest to these populations. Either way, a sizeable increase in the advertising budget of Summer Sessions is recommended to ensure success of new programs. This recommendation continues from last year.

Continued increase in faculty salaries is probably the best investment the University can make in Summer Sessions. The more attractive the pay, the greater the number and variety of courses that can be offered. This will likely result in increased enrollment, thus paying for the salary increase and generating additional revenues for other departments and programs.

University Curriculum Committee Report  
Spring Semester 2003  
February 2003

**New Academic Programs with new courses**

Minor in American Sign Language and Deaf Studies

CSD 363 Deaf Studies 4 cr

**Change of Title for Department**

Present: Department of Accounting and Business Law

Proposed: Department of Accountancy

**New Course Requests**

AtSc 355	Surface Transportation Weather I	3 cr
AtSc 455	Surface Transportation Weather II	3 cr
EE 509	Signal Integrity	3 cr
IT 373	Manufacturing Automation System	3 cr
IT 433	Manufacturing Strategies	3 cr
IT 450	Senior Capstone	3 cr
IT 451	Computer Applications-PLCs, MicroControllers & Robotics	3 cr
Math 315	Topics in Computational Mathematics	1-3 cr

**Course Deletions**

CSci 411	Information Systems	3 cr
CSci 467	Introduction to Autonomous Mobile Robotics	3 cr
EE 509	Semiconductor Circuits	3 cr
EFR 514	Small System Computer Applications in Education	3 cr
IT 343	Motion and Time Study	3 cr
IT 363	Manufacturing Automation	3 cr
IT 423	Computer Integrated Manufacturing	3 cr
IT 441	Computer-Aided Circuit Analysis and Design	3 cr
Math 353	Advanced Engineering Mathematics II	3 cr
Soc 353	Sociology of Death and Dying	3 cr

**Course Change Requests**

Acct 405	<u>Auditing</u> – change title to Assurance Services; change course descriptions
Acct 406	<u>Auditing Problems</u> – change title to Independent Assurance; change course descriptions
Art 200	<u>Sculpture I</u> – delete prerequisites
Art 210	<u>History of Art I</u> – change in course description
Art 211	<u>History of Art II</u> – change in course description
Art 412	<u>History of Art- 20<sup>th</sup> Century</u> – change title to History of Art: The Emergence of Modern Art; change in course description
Art 414	<u>History of Art: Contemporary</u> – change title to History of Art: Modernism and Contemporary Art; change in course description; change frequency from F/2 to S/2
Art 419	<u>History of Art: 19<sup>th</sup> Century Art and Architecture</u> – change title to History of Art: 19 <sup>th</sup> Century Art; change in course description
AtSc 310	<u>Introduction to Weather Forecasting</u> – change prerequisites from AtSc 210 or consent of instructor to AtSc 210 or AtSc 419
AtSc 360	<u>Dynamic Meteorology</u> – change prerequisites from AtSc 350 to AtSc 350 and Math 266; change co-requisites from AtSc 350 and Math 266 to Math 266
AtSc 370	<u>Computer Concepts in Meteorology</u> – change course number to AtSc 270
AtSc 397	<u>Cooperative Education</u> – delete AtSc 320 from the prerequisites
AtSc 420	<u>Synoptic Meteorology II</u> – delete Math 352 or 353 from the prerequisites; delete co-requisites
AtSc 497	<u>Internship</u> – change grading to S/U
Chem 532	<u>Introduction to Molecular Structure and Spectroscopy</u> – change title to Quantum Mechanics in Chemistry

Nurs 555	<u>Role Dimensions of Advanced Nursing Practice: Seminar and Practicum</u> – change prerequisites and co-requisites from Nurs 534, 577, or 580 or consent of instructor to Graduate level clinical nursing course
Nurs 560	<u>Nursing Administration: Practicum and Seminar</u> – change prerequisites and co-requisites from Nurs 577 or 580 or consent of instructor to graduate level clinical nursing course
Nurs 562	<u>Health Administration Practicum and Seminar</u> – change prerequisites and co-requisites from Pols 552, Law 291 or consent of instructor to Pols 552, Pols 593 or consent of instructor
Nurs 565	<u>Teaching Practicum and Seminar</u> – change prerequisites from Nurs 577 or 580 or consent of instructor to graduate level clinical nursing course
Nurs 576	<u>Seminar in Nursing</u> – change title to Ethical and Policy Issues
Phys 251/251L	<u>University Physics I/Laboratory</u> – change in course description
Phys 252/252L	<u>University Physics II/Laboratory</u> – change in course description
Phys 253/253L	<u>University Physics III/Laboratory</u> – change in course description
Phys 317	<u>Mechanics I</u> – change in prerequisites from Phys 252 or approval of department to Phys 252/252L, Math 266 or approval of instructor
Phys 318	<u>Mechanics II</u> – change in prerequisites from Phys 317 or approval of department to Phys 317 or approval of instructor; change in course description; change in frequency from S/2 to F/2
Phys 324	<u>Thermal Physics</u> – change in prerequisites from Phys 253 or approval of department to Phys 253 or approval of instructor
Phys 327	<u>Electricity and Magnetism</u> – change title to Electricity and Magnetism I; change prerequisites from Phys 252 or approval of department to Phys 252 or approval of instructor
Phys 328	<u>Electricity and Magnetism</u> – change title to Electricity and Magnetism II; change prerequisites from Phys 327 or approval of department to Phys 327; change in co-requisite from none to Math 352 or approval of instructor
Phys 428	<u>Modern Physics Laboratory</u> – change prerequisites from Phys 253 or approval of department to Phys 253 or approval of instructor; change in course description
Phys 431	<u>Quantum Mechanics I</u> – change in prerequisites from Phys 253 or approval of department to Phys 253 or approval of instructor; change in frequency from S/2 to F/2
Phys 432	<u>Quantum Mechanics II</u> – change in frequency from F/2 to S/2
Phys 434	<u>Nuclear Physics</u> – change in prerequisites from Phys 253 or approval of department to Phys 253 or approval of instructor; change in course description
Phys 437	<u>Introduction to Solid State Physics</u> – change prerequisites from none to Phys 253 or approval of instructor; change in frequency to on demand
Soc 250	<u>Diversity in American Society</u> – change frequency from S to F,S
Soc 435	<u>Race and Ethnic Relations</u> – change frequency from F to on demand

### Change in Program Requirements Requests

**Combined program in Chemical, Civil, Electrical and Mechanical Engineering** – change in GPA from 2.5 to 3.0

**Chemistry** – Master of Science thesis option, Doctor of Philosophy – removal of Item 4: One year of German desirable

**Chemistry** – Master of Science non-thesis option – add statement saying applicable only to students admitted under non-thesis option.

No switch from a thesis option is possible

**Communication Sciences and Disorders** – add CSD 425 to courses needed for Teacher Certification

**B.S. with Major in Computer Science** – allowing greater flexibility in choosing the required electives

**Cytotechnology** – Add CLS 234/234L as an elective; delete Math 103 and 104 as required course in the curriculum; change the number of required credits in the computer sciences from 4 to 3 credits

**B.S. Industrial Technology: Industrial Management** – changes have to do with alignment and credits of course work in the courses required for the major and the electives which are an integral part of the emphasis areas.

**B.S. Industrial Technology: Teacher Certification** – changing management foundation requirements and changing the selected electives for Industrial Technology majors

**B.S. Occupational Safety and Environmental Health** – delete Biol 151 and 151L from program admission requirements

Last UCC meeting included 2-20-03

Nominations for Senate Committees  
Committee on Committees - March 2003

COMMITTEE	CONTINUING MEMBERS	TERM EXPIRES	NOMINEES	TERM EXPIRES	VOTE
Academic Policies and Admissions Committee			<b>Elect 1 until 2006</b>		
	P. Lubber (A&S)	2004	Sonia Zimmerman (MED)	2006	_____
	J. Bridewell (JDO)	2004	Nadine Tepper (EHD)	2006	_____
	H. Melland (NUR)	2005	Eleanor Yurkovich (NUR)	2006	_____
	L. Stahl (A&S)	2005			
Administrative Procedures			<b>Elect 3 until 2005</b>		
	A. Skramstad (JDO)	2004	Gene Homandberg (MED)	2005	_____
	W. Stevens (EHD)	2004	Brett Venhuizen (JDO)	2005	_____
			Judy Hall (NUR)	2005	_____
			Bette Ide (NUR)	2005	_____
				2005	_____
Compensation			<b>Elect 2 until 2006 (1 Tenured and 1 Tenure-track)</b>		
	J. LaDuke (A&S) (T)	2004	_____	2006	_____
	J. Jenson (BPA) (NT)	2004	_____	2006	_____
	C. Stofferahn (A&S) (T)	2005	_____	2006	_____
	J. Zahrlly (BPA) (T)	2005	_____	2006	_____
Conflict of Interest/Scientific Misconduct			<b>Elect 2 until 2006</b>		
	J. Dunlevy (MED)	2004	Arlinda Kristjanson (MED)	2006	_____
	M. Laxen (MED)	2004	Mark Askelson (JDO)	2006	_____
	R. Shafer (A&S)	2005	_____	2006	_____
Continuing Education, Distance Education and Outreach			<b>Elect 2 until 2006</b>		
	S. Jerath (SEM)	2004	Grant Emanuel (JDO)	2006	_____
	S. Johnson (JDO)	2004	Anne Walker (EHD)	2006	_____
	R. Ferraro (A&S)	2005	Harold Wilde (BPA)	2006	_____
	K. Meyer (EHD)	2005	_____	2006	_____
Curriculum			<b>Elect 2 until 2006 (1 JDO, 1 A&amp;S)</b>		
	J. Bruce (MED)	2004	Charlene Chamberlain (A&S)	2006	_____
	E. Labun (NURS)	2004	Mary Cutler (A&S)	2006	_____
	R. Woehle (EHD)	2004	Tom Zeidlik (JDO)	2006	_____
	C. Moretti (SEM)	2005	Eligar Sadeh (JDO)	2006	_____
	J. Haskins (BPA)	2005	_____		
Faculty Instructional Development			<b>Elect 2 until 2006</b>		
	J. Gothman (NUR)	2004	James Antes (A&S)	2006	_____
	H. Wilde (BPA)	2004	Jan Stube (MED)	2006	_____
	R. Landry (EHD)	2005	Manish Rami (A&S)	2006	_____
	K. Tiemann (A&S)	2005	Vicki Ross (EHD)	2006	_____
			B.P. Bandyopadhyay (SEM)	2006	_____

COMMITTEE	CONTINUING MEMBERS	TERM EXPIRES	NOMINEES	TERM EXPIRES	VOTE
Library			<b>Elect 3 until 2006 (elect 1 from A&amp;S and 1 from LAW)</b>		
	G. Bass (MED)	2004	Kim Donehower (A&S)	2006	_____
	S. Hunter (NUR)	2004	Lawrence Peterson (A&S)	2006	_____
	A. Miles (SEM)	2004	Ty Reese (A&S)	2006	_____
	K. Hansen (BPA)	2005	Gary Gott (LAW)	2006	_____
	G. Babiuk (EHD)	2005	_____	2006	_____
	B. Venhuizen (JDO)	2005	_____	2006	_____
Restructuring and Reallocation (formerly Faculty Advisory Budget)			<b>Elect 1 until 2006</b>		
	A. Skramstad (JDO)	2004	Paul Todhunter (A&S)	2006	_____
	D. Whitcomb (EHD)	2005	Sukhvarsh Jerath (SEM)	2006	_____
			John LaDuke (A&S)	2006	_____
ROTC			<b>Elect 4 until 2006</b>		
	B. Smith (JDO)	2004	David Marshall (A&S)	2006	_____
	D. Peters (A&S)	2005	Eric Murphy (MED)	2006	_____
			Paul Sum (BPA)	2006	_____
			Peter Schumacher (JDO)	2006	_____
			_____	2006	_____
			_____	2006	_____
Scholarly Activities			<b>Elect 2 until 2006 (EHD, BPA, LAW or MED)</b>		
	J. Hikins (A&S)	2004	Garl Rieke (MED)	2006	_____
	G. Lindseth (NUR)	2004	Matthew Picklo (MED)	2006	_____
	P. Gerla (SEM)	2005	Luke Huang (BPA)	2006	_____
	F. Remer (JDO)	2005	_____	2006	_____
Student Academic Standards			<b>Elect 2 until 2006</b>		
	P. Luber (A&S)	2004	Julie Anderson (NUR)	2006	_____
	B. Olson (NUR)	2004	Ron Marsh (JDO)	2006	_____
	R. Ferraro (A&S)	2005	Daniel Erickson (A&S)	2006	_____
	B. Hans (A&S)	2005	_____	2006	_____
Student Policy			<b>Elect 1 until 2006</b>		
	J. DeMers (MED)	2004	Kim Kenville (JDO)	2006	_____
	W. Tschacher (A&S)	2004	Kevin Curley (MED)	2006	_____
	C. Stofferahn (A&S)	2005	_____	2006	_____
	B. Rundquist (A&S)	2005	_____	_____	_____
Summer Session			<b>Elect 2 until 2006</b>		
	S. Gallo (A&S)	2004	David Marshall (A&S)	2006	_____
	M. Khavanin (A&S)	2004	Mike Nitz (A&S)	2006	_____
	A. Koppang (EHD)	2005	Mary Riske (MED)	2006	_____
	R. Landry (EHD)	2005	_____	2006	_____

## GUIDELINES FOR FACULTY ENGAGED IN EMPLOYMENT CONTROVERSY WITH THE UNIVERSITY

### I. INTRODUCTION

These guidelines are intended to assist you if you wish to oppose some action of the University taken against you. The action might be dismissal, termination, suspension, nonrenewal, or a sanction. These guidelines also describe your right to file a grievance about some aspect of the terms and conditions of your employment. Throughout this material you will find references to sections of the North Dakota Board of Higher Education Policy Manual, available through the Board's website. You must always read carefully any Board Policy pertinent to your situation (available on line at <<www.ndus.nodak.edu>>, through "Policies and Procedures" and then "SBHE Policies"). These guidelines summarize some requirements and only point to others. You are responsible for following Board Policy in its entirety.

- a) *Are you 'faculty?'* For purposes of these guidelines, "faculty" has the meaning provided for it in Policy Manual §605.1 at 2: all members of the academic staff of the University, excluding only coaches and administrators in their capacities as coaches or administrators.
- b) *Preserving and bringing lawsuits.* These guidelines do not cover litigation, the use of the courts to oppose the University's action. If you wish to preserve for yourself any lawsuit you may have against the University, your lawsuit is one against the State and must be preserved and pursued under statutes regarding claims against the State.

Anyone, including faculty, who is injured ("injured" includes property damage; contract rights and constitutional rights are property rights; "injured" does not include a claim for workers compensation benefits) by any action of the university and / or its officers acting in their official capacity on behalf of the university, must be careful to observe certain deadlines in order to preserve the claim against the university and the State. Under North Dakota law, subsection 1 of Section 32-12.2-04 of the North Dakota Century Code, in order to preserve the claim, including preservation of the ability later to sue the university or the State on the claim, the injured person must "present to the director of the office of management and budget within one hundred eighty days after the alleged injury is discovered or reasonably should have been discovered a written notice stating the time, place, and circumstances of the injury, the names of any state employees known to be involved, and the amount of compensation or other relief demanded. . . ." Note that while this written presentation of the claim must be accomplished in order to preserve any possible lawsuit against the university or the State regarding the injury, presenting the claim does not obligate the injured party actually to file any lawsuit. Under North Dakota law, Section 28-01-22.1 of the North Dakota Century Code, most lawsuits brought against the university or State "must be commenced within three years after the claim for relief... is discovered or might have been discovered in the exercise of reasonable diligence." If the claim underlying a lawsuit has been properly preserved under Section 32-12.2-04, and suit is timely commenced under Section 28-01-22.1, this additional requirement must be observed: under North Dakota law, subsection 5 of Section 32-12.2-04 of the North Dakota Century Code, "a copy of the summons, complaint, or other legal pleading in which the claim is first asserted in the action" must be delivered to the director of the office of management and budget.

at 2, you may:

- (1) within ten calendar days of receipt of notice request reconsideration. Policy Manual §605.3 at 1.b;
- (2) incorporate a request for mediation in the request for reconsideration. Policy Manual §605.3 at 1.b; see part X of these guidelines at c) for mediation in these circumstances. Policy Manual §605.5;
- (3) within twenty calendar days of receipt of notice, or within twenty calendar days of receipt of results of reconsideration or the conclusion of mediation if reconsideration was requested and / or mediation occurred, request review by the Standing Committee on Faculty Rights. Policy Manual §605.3 at 4. See also "WHAT THE STANDING COMMITTEE ON FACULTY RIGHTS IS PERMITTED TO CONSIDER IN MATTERS YOU BRING IT UNDER II AND III ABOVE," below in these guidelines at IV.

### **III. "FINANCIAL EXIGENCY" NON-RENEWALS/TERMINATIONS OF NON-TENURED TENURE-TRACK FACULTY**

If you are tenure-track faculty but not yet tenured, and you are terminated or non-renewed based on financial exigency or one of its related rationales listed in Policy Manual §605.3 at 2, you are permitted only mediation under Policy Manual §605.5 and the third of three options under II, above, a request for review by the Standing Committee on Faculty Rights. Policy Manual §605.3 at 4. See "WHAT THE STANDING COMMITTEE ON FACULTY RIGHTS IS PERMITTED TO CONSIDER IN MATTERS YOU BRING IT UNDER II AND III ABOVE," below at IV. As to mediation, see these guidelines part X at c) below.

### **IV. WHAT THE STANDING COMMITTEE ON FACULTY RIGHTS IS PERMITTED TO CONSIDER IN MATTERS YOU BRING IT UNDER II AND III ABOVE**

Standing Committee on Faculty Rights review of matters you bring to it under II or III of these guidelines is limited to claims that the University failed to comply with Board or University Policies when it determined not to issue another contract to you, or that the University violated your constitutional rights or any right of contract or written agreement with you, or that the University's action violates your academic freedom. The Standing Committee is free to consider any or all of these bases in your attack on the non-renewal, but you must specify the basis of your request in that request and you must also in that request provide a summary of the supporting evidence. Policy Manual §605.3 at 4. Note that proof that you were doing excellent work, performing your responsibilities in exemplary fashion, is not generally a permitted basis for your attack; excellent performance of your responsibilities would only defeat a non-renewal if the university had expressly promised to renew you if your performance was excellent. In proceedings under parts II and III of these guidelines before the Standing Committee, you have the burden to prove to the Standing Committee, by a preponderance of the evidence, that your rights of the kind protected have been violated.

Committee on Faculty Rights, the sanction being based on the hearing record, there is no further review. Policy Manual §605.3 at 9. It is assumed that a sanction "imposed following a hearing by the Standing Committee on Faculty Rights" refers to a situation in which you have been given notice of dismissal for cause, you have challenged the existence of adequate cause as described in part VI of these guidelines, above, the Standing Committee on Faculty Rights has held a hearing and determined that adequate cause for dismissal was not proven by the University by clear and convincing evidence, or has determined that adequate cause was proven but that a lesser penalty than dismissal would be more appropriate, and the President has accepted the determination of the Standing Committee on Faculty Rights. See Policy Manual §605.4 at 8 and 11.

If the University imposes a sanction upon you other than following a hearing by the Standing Committee on Faculty Rights, you may request review by the Standing Committee on Faculty Rights by filing a request within twenty calendar days of notice to you of the sanction's imposition. The request must be filed with the President and with the Standing Committee on Faculty Rights, and imposition of the sanction is suspended pending review by the Standing Committee and consideration by the President of the Committee's report and recommendation. Policy Manual § 605.3 at 9. After the institution has responded, the Standing Committee will review the matter. The review is not a hearing under Policy Manual §605.4, as the Standing Committee has only twenty days from the institution's response to conclude its review and issue its written report. Policy Manual §605.3 at 9. The Standing Committee may require the parties to appear before it to respond to the Committee's questions, and the Standing Committee may ask for further documents and information from the parties. The written report of the Standing Committee may make a recommendation to resolve the dispute. Policy Manual §605.3 at 9. The University must make its final decision within ten days of receipt of the Standing Committee's report and recommendation.

## **IX. FACULTY GRIEVANCES**

Board Policy Manual § 612 permits faculty to file grievances and identifies what may be made subject to a grievance and what may not be made subject to a grievance.

a) *What may, and what may not, be grieved.* You may file a grievance under Policy Manual §612 whenever you have been harmed by:

- (1) any violation of a specific Board Policy
- (2) any violation of a specific institutional policy
- (3) any violation of any Board or institutional procedure pertaining to your employment
- (4) any violation of any Board or institutional practice pertaining to your employment
- (5) any violation of your contract of employment.



whether or not the university wants to participate.

*b) List of mediators.* The Chair of the University Senate shall, with the assistance of the Director of the UND Conflict Resolution Center, and with the assistance of other agencies in the State and region which maintain lists of mediators, keep a list of qualified mediators located in Grand Forks and the immediate region. To be qualified for inclusion on the list, a mediator must be: (1) trained in mediation; (2) not an employee, agent, or student of the University of North Dakota or of the North Dakota University System; (3) not the parent, child, or spouse of any person disqualified under the immediately preceding clause (2); and (4) current in the theory and practice of mediation as evidenced by recent experience and continuing education/training.

*c) Requesting mediation under Board Policy Manual §605.3.* Any request you make for mediation under Board of Higher Education Policy Manual §605.3 shall be made, in writing, to the Chair of the University Senate. You must fully identify yourself, describe the matter or action on which you request mediation, and clearly identify all other persons involved in the matter or action. You must also provide a copy of your written submission to each other person you identified in the request. Should the Chair of the University Senate be involved in the matter or action on which mediation is requested, you shall instead present the request to the Vice Chair of the University Senate. The Chair of the University Senate shall forward to the Vice Chair any request as to which the Chair believes herself or himself disqualified by any conflict of interest. In any case where the request is made or passed to the Vice Chair, the Vice Chair shall perform the responsibilities of the Chair assigned in this policy for the duration of that matter.

*d) Requesting mediation of a grievance under Board Policy Manual §612.* If you wish to file a grievance under Board of Higher Education Policy Manual §612 you must do so in a writing which details the facts and circumstances constituting your grievance. The written statement must be provided to the Chair of the University Senate and to all other persons involved in the grievance as identified by you in your statement of the grievance. See part IX of these guidelines for what may, and for what may not, be made the subject of a grievance. Mediation is the mandatory initial method in attempting to resolve your grievance. [See below, at "UNSUCCESSFUL MEDIATION OF GRIEVANCES REACHING MEDIATION THROUGH BOARD POLICY §612," for how to proceed should mediation not resolve the grievance.] Should the Chair of the University Senate have a conflict of interest, the Vice Chair shall serve as Chair for the purpose of the grievance, as described in the paragraph immediately above this one in these guidelines.

*e) Senate Chair's responsibility.* The Chair of the University Senate (in the remainder of this part X of these guidelines, "the Chair") shall promptly provide the faculty member involved in any request for mediation with the names of the mediators then on the approved list.

*f) Selection of mediator.* The faculty member involved in the request shall within three business days select a mediator from the list provided by the Chair. That faculty member shall immediately provide the name of the mediator selected to the Chair and the other person(s) named in the request for mediation. If objection is made to the mediator selected, the objection shall be presented by the objector(s), with reasons, in

**The 2001-2002 Standing Committee on Faculty Rights Recommends to the University Senate the Adoption of the Following Resolution:**

Whereas Board of Higher Education Policy Manual § 605.3, subsections 6 and 7, provide for terminations of faculty for financial exigency, loss of appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses, and require the faculty governance structure to establish (1) procedures to implement the policy and (2) procedures to govern faculty participation prior to any notice of termination issued for one of the listed reasons,

THE UNIVERSITY SENATE OF THE UNIVERSITY OF NORTH DAKOTA  
HEREBY RESOLVES:

At the university of North Dakota, local implementation of Board of Higher Education Policy Manual § 605.3 subsections 6 and 7 shall be accomplished by and through the Senate Budget, Restructuring, and Reallocation Committee.

To accomplish its role in these matters, the committee shall meet upon written request by the President addressed to the Chair of the University Senate. Such a request shall be widely disseminated to the campus and community, including the public media. It shall recite the factual or other information relied upon by the administration in its conclusion that the termination of faculty will be necessary due to the existence of demonstrably *bona fide* financial exigency, loss of legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas and/or elimination of courses, as well as the administration's tentative conclusions. The committee shall promptly convene and commence such investigations, open discussions, meetings, and other procedures as may enable it within a reasonable time to conclude and report to the University Senate and the President:

- A. the extent to which there are grounds for termination of faculty appointments;
- B. judgments determining where within the overall academic program termination of appointments may occur; and

- C. the procedure and criteria for identifying the individuals whose appointments are to be terminated.

The committee's report shall also be widely disseminated to the campus and community, including the public media.

The Executive Committee of the Senate shall promptly meet to consider the report, and shall either put the report on the agenda for the next regular meeting of the Senate or call a special meeting of the Senate to consider the report. If no regular Senate meeting would occur within 30 days of the issuance of the report, or if the President so requests, a special meeting of the Senate must be called.

Unless the Senate amends the report of the committee, or adopts a substitute therefor, within sixty days of the issuance of the report by the committee, the committee's report shall become the product of faculty participation as required under § 605.3, subsections 6 and 7, of the Policy Manual of the Board of Higher Education. In the event the Senate amends the report, or adopts a substitute report, within the sixty days provided for Senate action, the Senate's action shall be the product of faculty participation provided as required under that § 605.3 subsections 6 and 7.

The committee and the Senate shall consider significant the length of service and tenure status of faculty members within any affected academic unit (or units) or program area (or areas). Other factors to be considered, and which may be conclusive, include curriculum requirements, professional achievements, breadth of competence, and equal employment opportunity.

**Purpose and Responsibilities:**

To perform a thorough review of Committee policies in even-numbered years as prescribed or any issues arising in the state Legislative session in odd-numbered years. This review is to be submitted to the Senate Executive Committee and the Senate Legislative Affairs Committee.

Along with its own mission, upon the request of the Senate and/or officers, the Committee shall assume the following responsibilities:

1. Provide faculty perspective and advice to the University Planning and Budget Committee, to the President, and to the President, regarding planning and budget.

## SENATE BUDGET, RESTRUCTURING, AND REALLOCATION COMMITTEE

- Purpose:** To provide faculty guidance and oversight to the administration in regard to restructuring/reallocation and other new or special budget proposals, to advance faculty-initiated restructuring/reallocation proposals to the Senate and the Vice President for Academic Affairs, and to act as the mechanism for provision of faculty participation prior to termination of tenured faculty under exigent or other emergency circumstances.
- Membership:** Faculty (seven)  
Student (one)  
Vice President for Academic Affairs (one, non-voting, advisory)  
Vice Chair of the Academic Senate
- Terms:** Faculty (six, elected by the University Senate) - three years  
Faculty (one from Senate University Curriculum Committee) - as appointed by the Committee, to count as one of the seven faculty  
Vice President for Academic Affairs - concurrent with office  
Student - one year  
Vice Chair of the Academic Senate - concurrent with office
- Selection:** Faculty elected by the University Senate in April and assuming responsibilities May 1 with two elected each year  
Vice President for Academic Affairs - ex-officio  
Student - elected by Student Senate  
Vice Chair of the Academic Senate - ex-officio
- Functions and Responsibilities:** To perform a thorough review of Committee policies in even-numbered years as preparation for any issues arising in the State Legislative session in odd-numbered years. This review is to be submitted to the Senate Executive Committee and the Senate Legislative Affairs Committee.
- Acting of its own volition, upon the request of the Senate and/or others, the Committee shall assume the following responsibilities:
1. Provide faculty perspective and advice to the University Planning and Budget Committee, to the Provost, and to the President, regarding planning and budget.

2. Receive and review restructuring/reallocation proposals from the administration and provide advice regarding the proposals.
3. Advance to the Senate/Provost restructuring/reallocation proposals initiated by the faculty.
4. Serve as a review and advisory body for new/special budget requests including, but not limited to: system-wide restructuring, intramural course duplication, and non-restructuring allocation proposals.
5. Perform the pre-termination faculty participation role in financial exigency circumstances and in other instances required by the Board of Higher Education Policy Manual or requested by the President or the Provost.
6. To serve as faculty representatives to committees appointed by and reporting to the President or Provost regarding planning and budgeting.
7. To participate in deliberations about the determination by the institution that tenured appointments might need to be terminated due to financial exigency, loss legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses.
8. Maintain and keep current committee website.

Report to Senate:

Prepare an annual report which addresses each function and responsibility and submit it to the Senate secretary two weeks before the May Senate meeting.

Source of Information:

University Senate Minutes - March 7, 1996  
 University Senate Minutes - May 6, 1999