



1-26-2023

February 2, 2023: Agenda

University of North Dakota

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University Senate Agenda

February 2, 2023 Meeting

TO: Members of the Senate Executive Committee

FROM: Robert Newman, University Senate Chair, 2022-2023

SUBJECT: February 2, 2023 University Senate Meeting

DATE: January 26, 2023


The February 2023 meeting of the University Senate will be held on Thursday, February 2, 2023 from 3:30-5pm via Zoom. Voting members should use the personalized link they were sent to join the webinar as a panelist. Please check your clutter/junk/spam folder if you do not see the invitation in your inbox. A public link for visitors is posted on the Senate website and in the University Letter.

I. Call to Order (Chair Robert Newman)

II. Senate calendar:

1) Announcements

- a. Introduction/welcome: Dr. Art Malloy, VP Student Affairs
- b. Introduction/welcome: Dr. Randi Lynn Tanglen, Vice Provost for Faculty Affairs
- c. Legislative session updates (President Andrew Armacost)
- d. Council of College Faculties update (Doug Munski)
- e. Staff Senate update (Paula Cox)
- f. Student Government update (Faith Wahl)
- g. Updates from the Provost (Eric Link)
- h. Updates from VPFO (Karla Mongeon-Stewart)
- i. AI / ChatGPT (Lynette Krenelka TTaDA)
- j. Reminder regarding Senate Committee report deadlines:
 - i. Due Jan. 19: Academic Policies & Admissions, DEI
 - ii. Due Feb. 16: Administrative Procedures, Essential Studies, Intellectual Property

- 
- 2) Establish Quorum (Secretary Scott Correll)
 - 3) Review and approval of Dec. 1, 2022 minutes (attached)
 - 4) Senate Executive Committee Report (Chair Bob Newman)
 - 5) Question period (max 20 minutes)

III. Consent calendar:

1. FIDC report (attached)
2. Curriculum Committee Report – February (attached)

IV. Business calendar:

1. Honorary Degree Candidates (attached)
2. Testimony on HB1446 (attachments:
 - a. Text of HB1446
 - b. Council of College Faculty Response
 - c. Proposed Testimony)

V. Matters arising

VI. Adjourn

Minutes of the University Senate Meeting
December 1, 2022

1.

The September meeting of the University Senate was held at 3:30 p.m. on Thursday, December 1, 2022, via Zoom Conference. Chair Bob Newman presided.

2.

The following members of the Senate were present:

Alberts, Crystal	Kehn, Andre	Robinson, Sarah
Azizova, Zarrina	Kinney, Anna Marie	Rundquist, Brad
Clark, Travis	Kraus, Robert	Running Bear, Ursula
Correll, Scott	Laguetta, Soizik	Seddoh, Amebu
Cox, Paula	Lawson-Body, Assion	Shogren, Maridee
Dada, Precious	Legerski, Elizabeth	Singhal, Sandeep
Dahlke, Rachel	Light, Steve	Smart, Kathy
de Silva, Renuka	Linder, Meloney	Spaeth, Andria
Dhungana, Bebas	Lindseth, Glenda	Sperle, James
Dockter, Sally	Link, Eric	Stone, Lucian
Doze, Van	Liu, Jun	Traynor, Paul
Germolus, Isaiah	Mamaghani, Iraj	Tulin, Alexei
Gjellstad, Melissa	Marquis, Jared	Urban, Shanna
Gupta, Surojit	Maskaly, Jonathan	Wahl, Faith
Halcrow, Steven	Mastrud, Morgan	Wallace, Alfred
Hellwig, Beth	Masursky, Danielle	Weber, Bret
Henley, Amy	Mattingly, Shaina	Wild, Brandon
Henneman, Emily	Mihelich, John	Wilson, Nick
Homstad, Stephanie	Milavetz, Barry	Wise, Richard
Iseminger, Colt	Mongeon-Stewart, Karla	Zerr, Ryan
Jendrysik, Mark	Newman, Robert	
Jordan, Rachel	Peterson, Karen	
Juntunen, Cindy	Pokornowski, Alex	
Kalbfleisch, Pamela	Rajpathy, Odele	

3.

The following members of the Senate were absent:

Adjekum, Daniel	Emter, Adelyn	Pappas, Brian
Armacost, Andy	Fiedler, Kianna	Sela, Sapir
Berry, Whitney	Ji, Yun	Sheridan, Bill
Bjorgaard, Stacy	Kuznicki, Malissa	Strand, Skyler
Cook, Jennifer	Mosher, Sarah	Tande, Brian
Crotty, Tyanne	Niemi, Tyler	Wynne, Joshua
Denny, Dawn	Olson, Katlyn	

4.

Mr. Munski provided updates from the Council of College Faculties. The council met last month. There will be a vote to amend the constitution next month. There will be a discussion on Tuesday about Senate Bill 2030.

5.

Ms. Cox reported all 31 Days of Glory tickets were sold. There is a December social gathering on December 14, 2022.

6.

Ms. Wahl stated that a bill was passed last night to install menstrual products in all buildings. The student senate is looking at repatriation and how to best support students.

7.

Mr. Link shared that UIT won two top prizes. The funding provided to FIDC has been delayed until next fiscal year as they regroup and prepare to make the awards. Dr. Maridee Shogren has been appointed Dean of the College of Nursing and Professional Disciplines. There are two finalists on campus this week for the Director of Institutional Effectiveness and Accreditation. There will three candidates for the Dean of Libraries coming to campus next week. The administration is preparing for the legislative session. Several administrators will be traveling to Bismarck on Monday to meet with legislators. Commencement is two week away. Please encourage your students to register for spring 2023 classes. There are strong applications for fall 2023.

8.

Ms. Krenelka and Mr. Mochoruk provided updates on UND's Strategic Planning process. There is a complete draft of the Strategic Plan that has been shared with the President and his Executive Council. Based on feedback, there were several changes made. As the plan rolls out, the first year may be a planning process. The Grand Challenges will be more fully explained, and everyone will be invited to see how they are part of the plan. The plan will have many metrics left in a to be determined format and will be determined as the execution has begun. There is a launch event planned for January 20, 2023.

9.

Mr. Newman announced that the following Senate Committee reports are due:

November 17, 2022: Legislative Affairs; Library

January 19, 2023: Academic Policies & Admissions; Diversity, Equity & Inclusion

10.

Quorum was established.

11.

Without objection, the minutes from the University Senate on November 3, 2022, were approved.

12.

Mr. Newman provided a Senate Executive Committee report. All of the Senate Committees have identified a chair. There will be a webpage created for legislative items that are of great interest for UND. It will be available on Monday, December 5, 2022.

13.

The twenty minute question period started at 3:57 p.m. Ms. Legerski asked if there is regular radon testing at campus buildings. Ms. Mongeon-Stewart will follow up with her facilities director. Mr. Jendrysik asked about the daughter of the hockey coach owning the NoDak logo. Ms. Linder explained that registration of the mark will be given to the university. Prior to the present, we only had common law knowledge. Ms. Kalbfleisch asked about happened to the committee regarding indirect costs coming back to the department. Ms. Mongeon-Stewart stated about five years ago it was changed to return to the university centrally and a committee determined returned to college amount. After we moved to MIRA, 100% of the cost return to the colleges. Each Dean can administer the indirect cost recoveries. Ms. Kalbfleisch stated it was department function 19 years ago. Mr. Rundquist stated it is returned to the college, then department agreements move the money to the departmental level, then faculty committees should divide the money accordingly. Mr. Wise inquired about the Campus Safety plan. Mr. Wild stated that the Campus Safety committee met for the very first time just two weeks ago. Ms. Legerski asked about the parking committee and reporting structure. Ms. Mongeon-Stewart stated that the two former senators have promised to make themselves available to the University Senate for regular updates. Mr. Newman asked about Parking Committee meeting minutes. Ms. Mongeon-Stewart will develop a way to distribute. The question period ended at 4:13 p.m.

14.

Without objection, the Military Absenteeism Proposal was approved and filed.

15.

Mr. Newman called attention to removing the General Education criteria from the faculty handbook. Mr. Jendrysik moved to approved. Mr. Milavetz seconded. The motion carried.

16.

Mr. Newman called attention to revising faculty expectations on Teaching, Mentoring, and Advising in the faculty handbook. Mr. Milavetz moved to approve. Ms. Kalbfleisch seconded. A discussion ensued around undergraduate student mentoring versus advising. After discussion Mr. Milavetz withdrew his motion. Ms. Kalbfleisch withdrew her second as well. Ms. Legerski moved to return the document to committee for wording revision around advising. Ms. Gjellstad seconded. The motion carried to return to committee.

17.

Mr. Newman called attention to the proposal to expand the Faculty Instructional Development Committee membership. Ms. Smart moved to approve. Mr. Milavetz seconded. Without discussion, the motion was approved.

18.

Mr. Newman called attention to the list of December graduates. Ms. Alberts moved to approve. Mr. Jendrysik seconded. The motion carried.

19.

There were no matters arising presented.

20.

The meeting adjourned at 4:35 p.m.

Scott Correll, Secretary
University Senate

Annual report for the Faculty Instructional Development Committee, 2021-22

Submitted by Matt Gilmore, Committee Chair - November 2022

Faculty FIDC members

2022 Kristen Borysewicz (LIB)
2022 James Mochoruk (A&S)
2023 Matt Gilmore (JDO)
2023 Virginia Clinton-Lisell (EHD)
2024 Josh Crowell (CEM)
2024 Rachel Jordan (A&S)

Dean-nominated Student Representatives

Elizabeth Rotherham (School of Law)
Michael Helgeson (Med. & Health Sci.)
Rijana Adhikari (Business)

Support Personnel:

Jessie Greicar, TTaDA (Admin. Asst.)

Ex-Officio Members:

Anne Kelsch, Director of Faculty Development

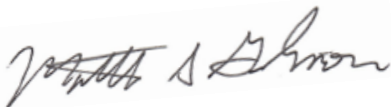
Timothy Burrows, Director of Assessment & Accreditation (VPAA representative)

For AY 2021-22 the FIDC had one main objective: evaluate / submit recommendations for UND's Faculty Excellence Awards (presented at Founder's Day, 17 Feb. 2022).

Prior to our first meeting, the chair (Matt Gilmore) reached out to the deans of the three colleges not currently represented on the FIDC to seek student membership for purposes of evaluating the Excellence Awards. Also, Matt Gilmore and former chair, Jim Mochoruk, attended the 7 October University Senate meeting to field questions regarding our white paper regarding how UND colleges are funding faculty development in recent years. Then, at our 25 Oct. 2021 meeting, we went over the committee responsibilities for the new members and discussed Provost Storrs' April 2021 response to our whitepaper. Anne also encouraged us to provide feedback on the final recommendations of the *Task Force on Future of Education at UND*. At the 8 Dec. 2021 meeting, Anne presented an overview of the processes and methods to be used in evaluating the Excellence Award nominations. Committee members spent 3 weeks over winter break reviewing 50 applications across all categories FIDC is responsible for, ranking the top 5 candidates in each category. At the 21 Jan 2022 meeting, after deliberation, the following were selected to be honored at Founder's Day with the following awards:

Departmental Excellence in Teaching:	Chemistry
Departmental Excellence in Service:	Family and Community Medicine
Faculty Scholar:	Surojit Gupta, Mechanical Engineering
Outstanding Faculty Develop. or Service:	Elizabeth Legerski, Sociology
Outstanding Undergraduate Teaching (2):	Ric Ferraro, Psychology RaeAnn Anderson, Psychology
Outstanding Graduate Teaching:	Jane Loscheider, Occupational Therapy

Respectfully submitted on behalf of the FIDC,



Matt Gilmore

University Senate Curriculum Committee Report
February, 2023

I New Course

- ABA 580 : Practicum: Special Education
- ABA 995 : Scholarly Project
- ACCT 427 : IT Governance and Audit in Accounting
- ART 300 : Intermediate Sculpture-Wood Fabrication
- ART 302 : Intermediate Sculpture-Metal Fabrication
- ART 304 : Intermediate Ceramics
- ART 305 : Intermediate Jewelry Design: Stone Setting and Commercial Skills
- ART 306 : Intermediate Jewelry Design: Digital Fabrication, Casting and Mass Production
- ART 307 : Intermediate Jewelry Design: Digital Jewelry Design
- ART 308 : Intermediate Jewelry and Metalsmithing: Fabrication
- ART 309 : Intermediate Jewelry and Metalsmithing: Enameling- Image and Color
- ART 310 : Intermediate Jewelry and Metalsmithing: Forging, Forming and Raising
- ART 312 : Intermediate Painting
- ART 330 : Intermediate Drawing
- ART 341 : Intermediate Printmaking: Silkscreen and Monoprint
- ART 368 : Intermediate Photo: Alternative Processes
- ART 369 : Intermediate Photo: Light and Subject
- ART 384 : Intermediate Graphic Design: Packaging and Print Design
- ART 385 : Intermediate Graphic Design: Motion Graphics
- ART 386 : Intermediate Graphic Design: Interactive Design
- ART 387 : Intermediate Graphic Design: 3-D Modeling and Animation
- ART 407 : Jewelry and Metalsmithing Intensive
- ART 408 : Ceramics: Intensive
- ART 409 : Photography Intensive
- ART 411 : Sculpture Intensive
- ART 412 : Painting Intensive
- ART 414 : Printmaking Intensive
- ART 425 : Feminist Art History
- ART 432 : Drawing Intensive
- ART 482 : Graphic Design Intensive
- BIMD 597 : Biomedical Sciences Internships
- BME 421 : Software for Biomedical Engineering
- BME 422 : Introduction to NeuroEngineering
- BME 425 : Biomedical Applications of RF/Microwaves
- BME 451 : Medical IoT Innovation II: Digital Data Use
- BME 490 : Special Topics
- CHEM 401 : Nanotechnology & Nanomaterials
- CHEM 402 : Trends in Forensic and Environmental Analytical Chemistry

- ENGL 231 : Literature and Social Issues
- ENGL 396 : Internship in English
- FS 347 : Firearms and Ballistics
- FS 348 : Bloodstain Pattern Analysis
- FS 490 : Forensic Microbiology
- IS 225 : Gender and Sexuality
- IS 232 : Ojibwe Language I
- IS 235 : Ojibwe Language II
- IS 262 : Indigenous Art
- IS 325 : Federal Policy and Native Nations
- IS 333 : Indigenous Peoples of the World
- IS 342 : Native Environmental History
- IS 365 : Public and Environmental Health
- IS 368 : Issues in Native Health
- IS 370 : Native Civil Rights
- IS 373 : Native Health Workers
- IS 375 : Health and Food Sovereignty
- KIN 584 : Practicum in Kinesiology
- MATH 355 : Theory of Interest
- MATH 455 : Mathematics of Finance
- PHIL 575 : Data Science Ethics
- PHYS 499 : Physics Capstone
- SPED 464 : ASD: Structured Teaching, Visually Supported Instruction
- SPED 466 : Autism Spectrum Disorder: Intensive Early Intervention

II Course Inactivation

- CE 301 : Civil Engineering Laboratory I
- CE 302 : Civil Engineering Laboratory II
- ENGL 241 : World Literature I
- ENGL 242 : World Literature II
- IS 122 : American Indians and Tradition
- IS 123 : American Indians and Culture
- IS 171 : Hollywood Indians
- IS 181 : Native North America to 1600
- IS 200 : American Indians in a Multicultural Context
- IS 202 : Cultures of the Sioux
- IS 204 : Cultures of the Ojibwe
- IS 208 : Cultures of the Three Affiliated Tribes
- IS 221 : North American Indians before 1815
- IS 222 : North American Indians since 181
- IS 230 : Approaches to Native Cultures
- IS 311 : Health and American Indian Culture

- IS 320 : Native Cultural Landscapes
- IS 346 : Gender in American Indian Cultures
- IS 348 : Beyond the Reservation
- IS 350 : Native American Languages
- IS 352 : Native Philosophies and Religions
- IS 354 : Dynamics of Conquest and Resistance
- IS 362 : Resource Extraction and Indigenous Peoples
- IS 385 : Sustainable Communities
- IS 395 : Ethnohistory of North America
- KIN 539 : Ex Phys Lab: Anthropometry and Body Composition
- KIN 539 : Ex Phys Lab: Anthropometry and Body Composition
- MATH 112 : Transition to Calculus
- MATH 115 : Introduction to Mathematical Thought
- MATH 217 : Introduction to Cultural Mathematics
- MATH 315 : Topics in Computational Mathematics
- MATH 479 : Topics in Mathematics Education
- MUSC 414 : Piano Literature
- MUSC 415 : Vocal Literature
- MUSC 430 : Composition Lessons
- MUSC 442 : Music for Elementary School Teachers
- MUSC 443 : Music Methods and Materials for Elementary School Teachers
- MUSC 491 : Seminar

III New Program

- PHE-BSPHE : Certificate in Public Health – New Program

IV Program Name Change

- ART-MinorAH : Minor in Art History and Museum Studies” to “Minor in Art History”
- ENGL-CERTUG : “Certificate in Writing & Editing” to” Certificate in Writing, Editing, and Publishing”
- Lang-BA-TC : “BA with a Major in Language Teacher Certification” to “BA with a Major in Language Teacher Licensure”
- PSYC-MS : “MS in Psychology” to “MS in Forensic Psychology”
- SWK-UGMINOR : “Minor in Chemical Dependency” to “Minor in Substance Use and Addictions”

V Department Name Change

- “Philosophy and Religious Studies” to “Philosophy and Ethics”

VI Program Termination

- UNIV-UGMINOR : Minor in Essential Studies: Citizenship in the 21-st Century
- UNIV-UGMINOR : Minor in Essential Studies: Creativity, Innovation, & Change
- UNIV-UGMINOR : Minor in Essential Studies: Freedom, Privacy, & Technology

- UNIV-UGMINOR : Minor in Essential Studies: Global Connections

Senate Approval is not required for the following report items

VII Program Changes

- ART-MinorAH : Minor in Art History and Museum Studies
- ART-MinorGD : Minor in Graphic Design
- ART-MinorVA : Minor in Visual Arts (Studio)
- AVIT-BAS : BS in Aeronautics with Major in Air Traffic Management
- AVIT-BSA : Safety Specialization
- BIOL-MS : MS in Biology
- BIOL-PHD : PhD in Biology
- BME-S : BS in Biomedical Engineering
- CHEM-BSCHEM : BS in Chemistry
- CHEM-BSCHEM : BS with Major in Chemistry
- CJ-BS : BS in Criminal Justice Studies
- CJ-BS : BS with Major in Forensic Science
- CSCI-MS : Master of Science in Data Science
- DPEHBS-PHD : Education, Health, and Behavior Studies
- EFR-CERTGR : Certificate in Learning Analytics
- EFR-MS : Master of Science in Educational Studies
- Engl-BA : BA with Major in English
- ENGL-DP : PhD in English
- IS-BA : American Indian Studies
- Kin-BS : Bachelor of Science in Esports
- KIN-MS : MS in Kinesiology
- KIN-UGMINOR : Minor in Coaching
- Lang-BA-TC : BA with a Major in Language Teacher Certification
- MATH-BS : BS with Major in Mathematics
- MGMT-UGMINOR : Minor in Leadership
- MRKT-BBA : BBA with Major in Marketing
- MRKT-UGMINOR : Minor in Professional Sales
- N&D-BSD : BS in Dietetics
- NURS-BSN : Traditional On-Campus BSN
- POLS-MPA : Master of Public Administration
- POLS-UGMINOR : Minor in Political Science
- POLS-UGMINOR : Minor in Public Administration
- PSYC-DP : PhD in Clinical Psychology
- PSYC-MS : MS in Psychology
- T&L-BSED : B.S.E.D. Secondary Education
- T&L-BSED : BSED with Double Major in Elementary and Middle Level Education
- T&L-BSED : BSED with Major in Middle Level Education

- T&L-BSED :BSED with Major in Science
- T&L-CERTGR : Certificate in College Teaching
- T&L-CERTGR : Early Intervention Leadership Certificate
- T&L-CERTUG : Undergraduate Certificate in Autism Spectrum Disorder
- T&L-UGMINOR : Minor in Middle Level Education

VIII Course Changes: Undergraduate

- A&S 100 : Introduction to Peer Mentoring
- A&S 351 : Introduction to Law and Legal Studies
- ACCT 301 : Intermediate Accounting I
- ACCT 302 : Intermediate Accounting II
- ACCT 309 : Accounting Information Systems
- ACCT 405 : Assurance Services
- ACCT 410 : Federal Individual Income Tax
- ACCT 411 : Business Income Taxation
- ACCT 412 : Advanced Tax
- ART 110 : Introduction to the Visual Arts
- ART 200 : Intro to Sculpture
- ART 210 : History of Art I
- ART 211 : History of Art II
- ART 220 : Intro to Painting
- ART 230 : Intro to Drawing
- ART 240 : Intro to Printmaking
- ART 245 : Intro to Black and White Photography
- ART 250 : Intro to Ceramics: Handbuilding
- ART 253 : Intro to Ceramics: Throwing
- ART 400 : Advanced Sculpture
- ART 401 : Advanced Jewelry and Metalsmithing
- ART 402 : Advanced Painting
- ART 403 : Advanced Printmaking
- ART 404 : Advanced Ceramics
- ART 405 : Advanced Photography
- ART 430 : Advanced Drawing
- ART 480 : Advanced Graphic Design
- ATSC 231 : Aviation Meteorology
- ATSC 315 : Broadcast Meteorology
- AVIT 261 : RADAR Operations
- AVIT 324 : Aircraft Systems
- AVIT 325 : Multi-Engine Systems and Procedures
- AVIT 363 : RADAR Operations II
- AVIT 386 : Conventional Aircraft Operations
- AVIT 389 : Introduction to Aerobatic Flight

- AVIT 464 : Control Tower/Radar Operations III
- AVIT 469 : Air Traffic Control Computer Equipment and Message Entry
- AVIT 470 : Enroute RADAR Operations
- AVIT 480 : Advanced Aircraft Operations
- BIOL 111 : Concepts of Biology
- BIOL 111L : Concepts of Biology Laboratory
- BIOL 121 : Introduction to Fisheries and Wildlife Biology
- BIOL 360 : Soil Ecology
- BIOL 416 : Ecological Genomics
- BIOL 418 : Systems Biology
- BIOL 470 : Biometry
- BIOL 492 : Research
- BME 180 : Biomedical Engineering Innovation-Based Learning I
- BME 181 : Biomedical Engineering Innovation-Based Learning II
- BME 280 : Biomedical Engineering Innovation-Based Learning III
- BME 281 : Biomedical Engineering Innovation-Based Learning IV
- BME 380 : Biomedical Engineering Innovation-Based Learning V
- BME 381 : Biomedical Engineering Innovation-Based Learning VI
- BME 450 : Biomedical Instrumentation
- BME 481 : Senior Innovation Based Learning II
- CHEM 310 : Polymers and the Environment
- CHEM 471R : Quantum Mechanics & Spectroscopy Recitation
- CHEM 475 : Materials Chemistry
- CHEM 488 : Undergraduate Seminar
- CHEM 492 : Senior Research
- CHIN 101 : First Year Chinese I
- CHIN 102 : First Year Chinese II
- CHIN 201 : Second Year Chinese I
- CHIN 202 : Second Year Chinese II
- CHIN 303 : Chinese Overseas Immersion
- CHIN 305 : Chinese Culture Through Films
- CHIN 306 : Introduction to Chinese Calligraphy
- CHIN 405 : Traditional Chinese Literature in Translation
- CHIN 406 : Modern Chinese Literature in Translation
- CJ 341 : Criminal Law
- CJ 342 : Criminal Procedure
- CJ 430 : Developmental Perspectives on Adolescent Problem Behavior
- ENGL 227 : Introduction to Literature and Culture
- ENTR 395 : Special Topics
- FS 345 : Forensic Science Seminar
- FS 400 (499) : Forensic Science Applied Experiences
- HIST 431 (331) Seminar in the History of the Great Plains

- IS 201 : History of the Sioux
- IS 344 : Education and American Indians
- LANG 350 : Foreign Language Practicum
- MATH 105 : Trigonometry
- MATH 377 : Geometry Elementary Teachers
- MATH 399 : Methods for Secondary Teachers: Mathematical Content Knowledge
- MATH 477 : Topics in Elementary School Mathematics
- MRKT 201 : Personal Marketing
- MRKT 315 : Retail Management
- MRKT 325 : International Marketing
- MRKT 327 : Digital Marketing
- MRKT 340 : Integrated Marketing Communications
- MRKT 347 : Social Media
- MRKT 386 : Field Experience in Marketing
- MRKT 430 : Relationship Marketing
- MRKT 431 : Customer Relationship Management (CRM)
- MRKT 497 : Internship in Marketing
- MUSC 269 : Opera Workshop
- N&D 250 : Contemporary Food and Nutrition Concepts
- N&D 498 : Supervised Practice in Dietetics
- PHYS 161 : Introductory College Physics I
- PHYS 162 : Introductory College Physics II
- PHYS 402 : Computers in Physics
- PHYS 420 : Advanced Topics in Materials Science
- T&L 433 : Multicultural Education
- T&L 487 : Student Teaching
- THEA 201 : Theatre Practicum
- THEA 204 : Musical Theatre Acting I
- THEA 397 : Cooperative Education
- THEA 401 : Theatre Study Abroad
- THEA 423 : History of the Theatre: Classical, Medieval and Renaissance
- THEA 471 : Advanced Acting: Shakespeare
- THEA 481 : Theatre Practicum
- THEA 485 : Professional Preparation
- THEA 494 : Senior Project
- WGS 225 : The Study of Women

IX Course Changes: Graduate

- NURS 515 : Basic Principles of Anesthesia Practice I
- NURS 516 : Basic Principles of Anesthesia Practice II
- NURS 528 : Advanced Principles of Anesthesia Practice I
- NURS 529 : Advanced Principles of Anesthesia Practice II

- NURS 566 : Curriculum Development
- NURS 567 : Teaching Methodologies
- NURS 569 : Assessment and Evaluation
- NURS 596 : Advanced Clinical Practicum: AGPCNP
- NURS 597 : Advanced Clinical Practicum: FNP
- NURS 598 : Advanced Clinical Practicum: PMHNP
- OT404 (504) : Occupation & Analysis
- PH 533 : Advanced Biostatistics
- SPED (ABA) 540 : Concepts and Principles in Behavior Analysis
- SPED (ABA) 541 : Methods and Applications in Behavior
- SPED (ABA) 542 : Ethical and Professional Conduct for Behavior Analysts
- SPED (ABA) 543 : Applied Behavior Analysis Supervision Across Settings and Populations
- SPED (ABA) 544 : Research Methods in Behavior Analysis
- SPED (ABA) 545 : Assessment and Behavior Change Systems
- SPED (ABA) 546 : Philosophical Underpinnings of Applied Behavior Analysis
- SPED 580 : Practicum: Special Education
- SPED 995 : Scholarly Project

X Course Reactivations

- ART 340 : Intermediate Printmaking: Relief & Intaglio
- ART 413 : History of Graphic Design
- ART 416 : History of Art: Renaissance and Baroque Art History
- ART 419 : Art of the 18th & 19th Centuries
- ART 423 : Art of the 20th and 21st Centuries
- ART 424 : Non-Western Traditions

From: Kirsten A. Dauphinais Chair, University Honorary Degree Committee
Date: January 24, 2023
Re: Honorary Degree Candidates

UND's College of Arts & Sciences and the Nistler College of Business & Public Administration each advanced a candidate for consideration for the honorary degree of Doctorate of Letters:

Candidate 1 grew up on a farm in Wyndmere, North Dakota. They majored in Journalism and wrote for the student newspaper. After graduating, they worked as an entertainment writer for a North Dakota newspaper. They went onto join the writing staff for a major national magazine and contribute to many others. They have published twelve books, many of which feature their experiences growing up in North Dakota. They frequently cite their experiences in North Dakota and at UND as influential in their development as a writer and critic.

Candidate 2 grew up on a farm near Golva and in Beach, North Dakota. After graduating from UND, they started and grew a variety of businesses, most notably one that develops and operates full-service retirement communities in the United States and Canada. They credit their early experiences in North Dakota in providing the skill set to grow the retirement community business into the thriving top-ranked company it is. The business maintains an A+ rating with the Better Business Bureau with no complaints and has received exceptional reviews by both the industry and clients. They have also founded a charitable foundation and they have received numerous regional and national awards, including several previous recognitions from UND.

HOUSE BILL NO. 1446

Introduced by

Representative Lefor

1 A BILL for an Act to create and enact two new sections to chapter 15-10 of the North Dakota
2 Century Code, relating to a pilot program for tenured faculty review at institutions of higher
3 education; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Faculty tenure duties and responsibilities - Pilot program.**

8 In response to the urgent need to accelerate workforce development, the state board of
9 higher education shall implement a four-year pilot program focused on the two new campus
10 models at Bismarck state college, now a polytechnic college, and Dickinson state university,
11 now a dual-mission university, no later than May 1, 2023, to improve the tenure process. The
12 pilot program may not apply to a research university. A tenured faculty member employed at an
13 institution of higher education under the control of the state board of higher education shall:

- 14 1. Generate more tuition or grant revenue than the combined total of the salary, fringe
15 benefits, compensation, and other expenses of the tenured faculty member plus all
16 other costs of employing the faculty member, including employment taxes. The
17 compensation costs of a tenured faculty member must be adjusted to reflect the
18 faculty member's assumption of administrative responsibilities and related lessening of
19 the faculty member's teaching responsibilities, where applicable.
- 20 2. Comply with the policies, procedures, and directives of the institution, the institution's
21 president and other administrators, the state board of higher education, and the North
22 Dakota university system.
- 23 3. Effectively teach and advise a number of students approximately equal to the average
24 campus faculty teaching and advising load.

- 1 4. Engage in measurable and effective activities to:
- 2 a. Help recruit and retain students for the institution.
- 3 b. Help students achieve academic success.
- 4 c. Further the best interests of the institution including providing advice and shared
- 5 governance to campus leaders, and exercising mature judgment to avoid
- 6 inadvertently harming the institution, especially in avoiding the use of social
- 7 media or third-party internet platforms to disparage campus personnel or the
- 8 institution.
- 9 5. Perform all other duties outlined in any applicable contract and position description.

10 **SECTION 2.** A new section to chapter 15-10 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Faculty tenure review by presidents of institutions of higher education.**

- 13 1. The president of each institution of higher education under the control of the state
- 14 board of higher education may review performance of any or all of the duties and
- 15 responsibilities under section 1 of this Act of any faculty member holding tenure at any
- 16 time the president deems a review is in the institution's best interest.
- 17 2. A review under subsection 1 may include a written assessment of whether the faculty
- 18 member is complying with the duties and responsibilities reviewed.
- 19 3. If a president determines a tenured faculty member has failed to comply with a duty or
- 20 responsibility of tenure, the president may not renew the contract of the tenured faculty
- 21 member, unless the president specifically articulates why it is in the interest of the
- 22 institution to continue to employ the faculty member despite the faculty member's
- 23 failure to comply with the duties and responsibilities of tenure.
- 24 4. The president of an institution may enlist the assistance of an administrator at the
- 25 institution to conduct a review but may not delegate responsibility for the review to a
- 26 faculty member who is not an administrator.
- 27 5. When conducting a review under this section, the president of an institution may
- 28 assess and review other factors relevant to the faculty member's employment and the
- 29 interests of the institution and the institution's students.
- 30 6. A review under this section is not appealable or reviewable by a faculty member or
- 31 faculty committee. The president is subject to review and assessment by the state

1 commissioner of higher education and the state board of higher education for the
2 reviews the president conducts under this section.

3 7. The president and any administrators delegated to assist the president shall fulfill
4 these duties without fear of reprisal or retaliation. No complaint, lawsuit, or other
5 allegation is allowed against a president or other administrator for actions taken
6 pursuant to these provisions.

7 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Dear Chairman Schauer and members of the Government and Veterans Affairs Committee,

We write to you on behalf of the Council of College Faculty (CCF), which represents faculty from all 11 North Dakota University System (NDUS) campuses.

We have serious concerns about HB 1446 and encourage your committee to not pass this bill.

This legislation is unnecessary and based on misconceptions about the post-tenure review of faculty. Current SBHE [Policy 605.1](#) outlines the purpose of tenure and requires each campus to establish procedures for the *continued* evaluation of faculty after receiving tenure. Tenure is not an entitlement and does not confer unconditional employment.

While HB 1446 is written as a pilot program, the bill's authors have made it clear in public statements that they would like to see the bill's provisions expanded to all NDUS campuses.

By mandating each faculty member meet a certain level of tuition generation and teach/advise a certain number of students, this legislation would undermine important small programs and classes, such as graduate programs and labs, that are vital to meeting the workforce development needs of our state. This mandate may also result in the loss of accreditation and closure of key programs (e.g., nursing and healthcare; aviation; and others).

Some campuses have experienced significant faculty turnover in recent years, and this legislation, which has already resulted in negative national press, would undermine our efforts to recruit and retain the most competitive faculty.

These, and other concerns, are elaborated on in the following resolution, which was discussed and approved by the Council of College Faculty (CCF) on January 31, 2023.

This is a bill that would have long-term negative impacts on our university system. We urge your committee to not pass HB 1446.

We would be happy to answer any questions you might have about current post-tenure review processes and the potential impact of this legislation.

Sincerely,

The Council of College Faculties Executive Committee

Derek VanderMolen (Williston State College) - CCF President

Daphne Pedersen (University of North Dakota) - CCF Vice President and AAC representative

Jessica Santini (Lake Region State College) – CCF Secretary and Blackboard Governance rep

Rachelle Hunt (Valley City State University) – Parliamentarian and SAC representative

Lisa Montplaisir (North Dakota State University) – Faculty Representative to the SBHE

Andy Bertsch (Minot State University) - Immediate past CCF President

Jeff Hart (North Dakota State College of Science) – Immediate past SAC Rep and CCF Parliamentarian

Richard Millspough (University of North Dakota) - Immediate past CCF Secretary

Elizabeth Legerski (University of North Dakota) – Immediate past Faculty Rep to the SBHE

North Dakota University System Council of College Faculties

Resolution in Opposition to HB 1446

RATIONALE:

WHEREAS SBHE [Policy 605.1](#) outlines the purpose of tenure, which is to protect academic freedom, it also requires campuses to establish procedures for the continuing evaluation of faculty following tenure. These criteria include assessing faculty teaching, scholarship or creative activity, and service. How annual evaluations are conducted varies by campus due to variability in organizational missions and structures, but they generally involve review by a committee of faculty and the approval of multiple administrators such as a Department Chair, College Dean, and/or Provost or VP. Existing SBHE policy requires each NDUS institution to establish procedures and criteria for continued evaluation. Additionally, Higher Learning Commission accreditation and evaluation for re-accreditation requires regular evaluation of faculty by each institution as described in [Criterion 3D](#). While tenure provides a sense of financial stability for faculty through continuous employment, it does not prevent faculty from being dismissed with adequate cause or under extraordinary circumstances as described in SBHE [Policy 605.3](#); and

WHEREAS section 1.1 of HB 1446 imposes on several NDUS institutions requirements that individual faculty generate more tuition or grant revenue than their salary and benefits, this fails to recognize how universities operate with each unit contributing to and supporting the functioning of the whole. While some courses are large and generate a lot of tuition revenue, many specialized courses and labs are small. The costs of these courses are offset by larger classes. Graduate courses and those with more hands-on and technical training, for example, tend to have smaller class sizes, which are more costly. Faculty salaries also vary a great deal by discipline, which makes the burden of this requirement more difficult to meet in healthcare, business, and technology programs where faculty are paid more because professionals in these fields can make substantially more in private industry; and

WHEREAS accreditation standards for some programs, such as nursing, for example, require faculty-student ratios that may be lower than those of other programs, section 1.3 of the bill, which mandates that faculty “teach and advise a number of students approximately equal to the average campus faculty teaching and advising load,” may impact program accreditation from the Higher Learning Commission and/or other accrediting bodies, resulting in the loss of training programs critical to meeting the workforce needs of the state; and

WHEREAS dismissal procedures for tenured faculty members are already stipulated in [SBHE Policy 605.3](#), HB 1446 would grant the unilateral review and dismissal of faculty by campus presidents and removes guarantees for reasonable dismissal procedures, including a written assessment of the faculty member’s performance and the right to appeal a decision. Such a

policy is not only undemocratic but would likely also result in costly lawsuits. By usurping current termination processes established through campus structures of shared governance, this policy also creates greater burdens for campus presidents, the SBHE, and the Chancellor; and

WHEREAS the NDUS generates [billions of dollars in revenue for the state](#), it is vital that we maintain positive faculty morale in order to recruit and retain a vibrant workforce on our campuses, grow student enrollments, and provide the educational programming needed to meet the state's workforce needs. A tenured faculty is essential to student recruitment efforts, particularly within professional and graduate programs. If passed, HB 1446, which has already generated substantial negative press in the national media (see [Forbes](#), [Inside Higher Ed](#)), will act as a deterrent to new faculty hires, undermine faculty morale across the NDUS, and cause faculty to look for employment at other institutions of higher ed and in other states that recognize the value of tenure and shared governance.

RESOLUTION:

THEREFORE BE IT RESOLVED that the ND Council of College Faculty (CCF) opposes HB 1446 and asks the various bodies and committees of the ND Legislature to not pass this bill.

BE IT FURTHER RESOLVED that the ND CCF stands in solidarity with our colleagues at Dickinson State University and Bismarck State University, who would be most immediately and directly impacted by this legislation.

BE IT FURTHER RESOLVED that the ND CCF steadfastly upholds the values of tenure and shared governance as core principles of higher education.

BE IT FURTHER RESOLVED that the ND CCF resolutely rejects any attempts to remove tenure or undermine shared governance in the evaluation processes and grievance protections currently in place.

BE IT FURTHER RESOLVED that the ND CCF affirms the American Association of University Professors [1940 Statement of Principles on Academic Freedom and Tenure](#) (Rev. 1990), which has been endorsed [by more than 250 scholarly and education groups](#).

Adopted by the ND CCF on January 31, 2023.

University Senate letterhead (if approved by Senate)

HB 1446

ND House Government and Veterans Committee

Feb. 3, 2023

Robert Newman, Chair, University Senate, University of North Dakota

Chairman Schauer, Vice Chairman Satrom, and Members of the Government and Veterans Committee:

My name is Robert Newman, I am a professor in the Biology Department at the University of North Dakota and the Chair of UND's University Senate. On behalf of the UND University Senate I submit this testimony in opposition to HB 1446.

I was hired in 1995 as an Assistant Professor, awarded tenure and promoted to Associate Professor and then to Full Professor. I am very familiar with, have experienced, and participated in all aspects of faculty hiring, evaluation and tenure/promotion decisions in our department. My testimony is not just based on my personal or departmental experience, however. The University Senate, which represents the views of all faculty and also includes representatives of staff senate and student government also find the bill objectionable. Here is why:

I. The bill as currently written would constitute a significant degradation of a meaningful and impactful tenure system in North Dakota. This degradation in the tenure system across the NDUS would have a dramatic affect on the ability of the eleven NDUS schools to meet their missions, thus reducing the overall benefit of the NDUS system to the State of North Dakota, its citizens, and our students.

The maintenance of a meaningful tenure system in North Dakota is vital, for it provides a number of benefits to the state. A meaningful tenure system,

1. Undergirds principles of **academic freedom**.
2. Supports the advancement of **freedom of speech**.
3. Provides **standing and reputation** for universities on the national stage, which allow institutions to compete at a national level for attracting and retaining world-class faculty.
4. Provides **stability in the academic enterprise** of a university through the building of a highly qualified and productive faculty, which is the very basis of the higher education system.
5. Supports **innovation and enterprise** within a community, state, and a region, which advances the economic, intellectual, social, and cultural interests of the citizenry. It does this by allowing faculty the freedom to create, innovate, and advance knowledge without being subject to special interest groups and other outside pressures.

II. The bill as written does not reflect the fact that policies and procedures already exist across the NDUS system to respond decisively to performance- or fiscally-related faculty workload adjustments and/or terminations. The University of North Dakota and other schools in the NDUS already have rigorous policies and standards for review of faculty performance in relation to fulfilling the mission of

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Commented [NR2]: or SEC or just as an individual if the Senate does not approve

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the universities. The UND Faculty Handbook part IV, section 4 (<https://und.policystat.com/policy/12126990/latest/#autoid-ardwb>) describes the expectations and responsibilities of faculty. Our current practices are the foundation for creating the best possible learning experience for students, for student success, and for faculty productivity in research and creative activities.

Existing policies provide strong oversight on hiring, evaluation, and tenure / promotion decisions. The UND Faculty Handbook part IV, section 3, establishes the criteria for hiring, evaluating, and promoting faculty (<https://und.policystat.com/policy/12126990/latest/#autoid-744gg>, including external review for promotion - <https://und.policystat.com/policy/12126990/latest/#autoid-y49gj>) consistent with NDUS policy. They are accepted by faculty and administrators, and they make it possible to recruit talented faculty from a very competitive national job market.

All aspects of the bill risk undermining our ability to recruit and retain the best faculty, reduce the range of courses that we offer and that we might consider in the future in our ever-changing world, and reduce our attractiveness to potential students who seek a wide array of the most up-to-date knowledge and training opportunities. The bill, should it become law, may also dissuade potential faculty candidates from seeking employment in the state and even discourage some valued faculty members from staying, should they have opportunities elsewhere.

The bill has three sections. The premise of **Section 1** is that the tenure process needs improvement and mandates a pilot program for two of the institutions, not to include the research universities. The section then states that each tenured faculty member must bring in enough revenue to cover the costs to the university of employing them. This requirement is inconsistent with the mission and operation of any of our institutions and would set an ill-advised precedent even as a limited pilot.

- Faculty are not hired to generate revenue individually. Students chose schools because those schools offer programs that students see as pathways to future employment opportunities and careers. Faculty collectively constitute a team that delivers those programs. We each contribute different elements to our programs and it is simply not possible to isolate the revenue-generating value of individual faculty. We have administrative systems in place to optimize individual effort, with individualized proportions of teaching, research, administration, and the myriad of service duties that are the grease that keeps the gears turning smoothly.
- **Section 1.3**, expecting everyone to teach the same number of students is unrealistic. We teach different courses with different ways of engaging students appropriate to the course objectives. The nature of the course (lab, experiential, lecture, etc) dictates maximum enrollment for effective pedagogy. Departments balance work load among faculty, not student credit hours.

What if a faculty member does not perform at the level we expect? We already have mechanisms (<https://und.policystat.com/policy/12126990/latest/#autoid-n546x>) to assess faculty performance carried out jointly by faculty and administrators (chairs, deans, provost). Under existing policy, all faculty are subject right now to annual performance evaluations, and mechanisms already exist for the removal of tenured faculty for cause and for financial exigency.

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III. As written (section 1.4 of the proposed legislation) the bill would compromise freedom of speech.

When a presumptive law (page 2 lines 5-8) states that faculty should exercise judgment to avoid harming the institution, especially in avoiding the use of social media...”, this immediately raises questions of constitutionality. We all have a constitutional, first amendment right to free speech. An employer, and especially a government, may not infringe on that right. Of course we don’t want people harming our institutions, inadvertently or not. But who is going to judge either the harm or the intent? If disparagement of campus personnel rises to the level of slander or libel (whatever the correct legal framing), there are already remedies for that in the courts. And it might be bad for morale. But free expression of opinions that might not be flattering might also not be disparagement, and as impolite as it might be (or as deserved as it might be), it should not alone be treated as a crime.

IV. In Section 2 of the proposed legislation, the process of review (and subsequent termination of tenured faculty by presidential declaration) outlined contains no provisions for redress for the dismissed faculty member. Thus, the proposed legislation would enact a law, if passed, that would seem to violate due process and undermine fundamental principles of shared governance.

First and foremost, Section 2 of the proposed legislation is inconsistent with well-established policies already in place to terminate employment of a tenured faculty member, as noted above (<https://und.policystat.com/policy/12126990/latest/#autoid-w5ddj>). In particular, at UND we have a Standing Committee on Faculty Rights (<https://und.policystat.com/policy/12126990/latest/#autoid-xbry7>) to allow the hearing of grievances and appeals. Tenured faculty may be terminated in the case of a financial exigency (Faculty Handbook section VIII, part 2, item F (<https://und.policystat.com/policy/12126990/latest/#autoid-w5ddj>) or for cause (item H). In all instances, faculty must be notified and have the opportunity to appeal. The “faculty governance structure shall... [involve] faculty participation” in the termination proceedings. We also have a procedure (item I) for imposing sanctions for conduct that does not indicate termination, but nevertheless requires a remedy. All such proceedings allow for faculty participation. All of these policies are in accordance with SBHE Policy (Manual 11-16-01, section 605.3). Moreover, the UND Faculty Handbook, in accordance with the SBHE Policy Manual, unambiguously identifies shared governance and due process as fundamental values that speak to the integrity of the faculty experience in higher education and underwrite institutional standing at the national level. It is vital to the reputation of our universities in North Dakota that the tenure system maintain due process and rights of redress, in accord with the principles of shared governance.

Granting university presidents—or their designees—the unilateral power to terminate faculty without due process, puts **academic freedom is at risk**, inhibits freedom of speech, degrades institutional standing and reputation, disrupts stability in the academic enterprise with affects the ability of NDUS institutions from meeting their missions on behalf of the citizens of the state, and runs counter to the principles of innovation and entrepreneurship which are essential components of the North Dakota value system

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Finally, we fully support the testimony and resolution offered by the Council of College Faculty opposing HB 1446.

Thank you for reading. **We urge the committee to oppose HB 1446 and vote Do Not Pass.**

Respectfully,

Robert Newman, PhD.