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February 2, 2017

University of North Dakota

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Minutes of the University Senate Meeting
February 2, 2017

1.

The February meeting of the University Senate was held at 4:05 p.m. on Thursday, February 12, 2017 in Room 113, Education. Chair Dana Harsell presided.

2.

The following members of the Senate were present:

Andert, Blake	Halgren, Cara	Murphy, Eric
Balgamwalla, Sabrina	Harsell, Dana	Neubert, Jeremiah
Bateman, Connie	Henderson, Pam	Noghanian, Sima
Beyer, Brandon	Higgins, James	Petros, Tom
Betting, Laurie	Hong, Doojin	Petschen, Chris
Blackburn, Royce	Jendrysik, Mark	Poochigian, Don
Casler, James	Jeno, Susan	Rand, Kathryn
Correll, Scott	Johnson, Peter	Ray, Linda
DiLorenzo, Thomas	Jorgenson, Terra	Schindler, Gary
Du, Guodong	Juntunen, Cindy	Stofferahn, Curt
Dunnigan, Gerri	Kalbfleisch, Pamela	Storrs, Debbie
El-Rewini, Hesham	Kennedy, Mark	Tang, Clement
Enger, Tracy	Kenville, Kim	Todhunter, Paul
Faruque, Saleh	Laguetta, Soizik	Vogeltanz-Holm, Nancy
Fazel-Rezai, Reza	Liang, Lewis	Weaver-Hightower, Rebecca
Ferraro, Richard	Lindseth, Glenda	Williams, Margaret
Flynn, Amber	Lindseth, Paul	Wood, Robert
Gedafa, Daba	McGinniss, Mike	Zerr, Jessica
Gjellstad, Melissa	Mikulak, Marcia	Zimmerman, Sonia
Grijalva, James	Miller, Charles	
Gupta, Surojit	Munski, Doug	

3.

The following members of the Senate were absent:

Barbu, Simona	Hyder, Muneeb	Sens, Donald
Borboa-Peterson, Stacey	Lerma, Sam	Souvannasacd, Eric
Brekke, Alice	McGimpsey, Grant	Tanaka, Tomohiro
Christopherson, Anne	Nelson, Blair	VanderBush, Ashley
Doze, Van	Nguyen, David	Walch, Tanis
Flynn, Seth	Nickum, Annie	Walker, Stephanie
Gabriel, Holly	Ocken, Jake	Wynne, Joshua
Glidden, Ethan	Ostadhassan, Mehdi	Zhao, Julia
Hanson, Nicholas	Quinn, Andrew	
Hill, Shane	Roux, Gayle	

4.

The following announcements were made:

- a. Mr. Beyer, Student Government President, provided an update on open education resources:
 - \$100,000 for Open Educational Resources
 - \$75,000 from the Student Senate
 - \$25,000 from the Provost's office
 - The grant site will open very soon

- b. Mr. Murphy provided updates from CCF:
- 605.3 makes termination time for tenured faculty from 1 year to 90 days
 - There have been conversations to meet at 180 days
 - The first reading occurred at SBHE last week
 - The CCF made a resolution because one year is best practices
 - CCF has completed the sick leave policy. It will move to AAC and forward
 - The proposal mirrors UND policy
- c. President Kennedy provided an update regarding legislative process:
- He discussed differences among system institutions
 - We are the Chief Opportunity Engine was the message President Kennedy provided to the state Senate.
 - We are the fourth largest employer in North Dakota
 - Our graduates make more money and are taxed more to provide additional dollars for the state
 - See President's web page for the PPT presentation
 - The Coulee to Columbia project would address \$80 million of deferred maintenance
 - UND goes to the House appropriations committee in mid-March
 - UND has met with the Governor as well

5.

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

Mr. Neubert asked how we are providing value to the general public. President Kennedy addressed our ad in North Dakota Living. He will also write additional opinion pieces. The President discussed our alumni caucus as well as the work of the alumni association.

Ms. Weaver-Hightower asked about the legacy bank accounts and what can we do as citizens of North Dakota to support higher education. The President acknowledged the fact that we have a rainy day fund that we could use; however, the legislature may feel differently.

Mr. Poochigian asked about the economic measure versus the liberal arts/social science foundation. The President reinforced that the foundation of liberal arts is to prepare people for second and third jobs. Mr. Poochigian asked what would be the implications of reducing the liberal arts, especially with accreditation. President Kennedy stated that we do not plan to take actions that would put accreditation at risk.

Mr. Murphy asked about changing our bank and borrowing structure. The President stated it could be compared to our inability to bond. The Chancellor is beginning to address this issue.

Ms. Mikulak asked if faculty could testify about the structure of a research university or what it takes to run a university. President Kennedy stated that faculty are not always the best messenger to the legislature. Students are a better option.

Ms. Kalbfleisch asked about the perception of higher education and if we are viewed as rich. President Kennedy acknowledged that college graduates make more over the course of a lifetime.

The question period ended at 5:00 p.m.

6.

Mr. Petros made a request to add a resolution to the business calendar. Mr. Murphy seconded and the motion carried.

7.

Mr. Munski moved to approve the minutes from the January 12, 2017, meeting without revision. Mr. Gedafa seconded and the motion carried.

8.

Mr. Harsell called attention to the annual report of the Senate Academic Policies and Admissions Committee. Ms. Gjellstad moved to file the report and the motion carried.

9.

Mr. Harsell called attention to the Qualified Faculty Requirements Committee report. Ms. Kenville moved to approve the faculty qualification requirements definition. Mr. Munski seconded and the motion carried.

10.

Mr. Harsell called attention to the Curriculum Committee report. Mr. Jendrysik moved to approve the report. Mr. Stofferahn seconded and the motion carried.

11.

Mr. Harsell called attention the faculty resolution regarding budget issues. Ms. Mikulak moved to approve and it was seconded by Ms. Laguette. A discussion ensued. A friendly amendment was made to add "tenure-track and current" to the first statement. The friendly amendment was accepted and the motion carried.

12.

Mr. Munski moved to extend the meeting to 5:45 p.m. without objection. There were no objections.

13.

Mr. Harsell called attention to the CCF resolution regarding opposition to the proposed change to the SBHE policy 605.3. Mr. Munski moved and Ms. Jenö seconded to endorse the resolution. The motion carried.

14.

Mr. Harsell called attention to a resolution introduced by Mr. Petros. Mr. Higgins moved to approve and Mr. Murphy seconded. A discussion ensued. A friendly amendment was made from Mr. Munski to change "appropriately price our product" to our consumers to "ensure student success." A friendly amendment by Ms. Vogelanz-Holm to add the word "it" between making and easier. Both friendly amendments were agreed upon. The discussion continued. A friendly amendment was made to replace you become "Chancellor and the SBHE." The amendment was agreed upon and the motion carried.

15.

The meeting adjourned at 5:45 p.m.

Scott Correll, Secretary
University Senate

To: Lori Hofland, Administrative Assistant, Office of the Registrar
From: Timothy Prewscott, Chair, Academic Policies and Admissions Committee, 2016-2017
Re: APAC Annual Report, 2015-2016
Date: January 19, 2017

The following issues were discussed and voted upon during the 2015-2016 academic year:

Minimum Undergraduate Degree Credits

The Student Senate called for a reduction of the minimum number of credits required for graduation from 125 to 120. After discussing this with faculty, program directors, and chair, APAC did not support this resolution, as it would conflict with UND's mission of providing a well rounded liberal arts education and did not appear to significantly reduce the time to degree.

Good Academic Standing Policy

For students who had been suspended from a previous institution but subsequently were in good standing at another institution, APAC recommended they be allowed to seek admission to UND by appealing to SASC. (SASC has agreed to hear such cases.)

Applicants must submit all transcripts Policy

The 2014-2015 committee forwarded a recommendation from admissions that students be allowed to forgo study abroad credits to avoid later difficulties transferring the credits back to UND. APAC recommended that this be denied, as it would impact financial aid, SBHE policy, and not reflect a student's full academic record.

Admission of New Freshmen Policy

If a applicant is denied degree seeking status, APAC recommended that we maintain the policy of prohibiting non-degree seeking status. For cases where the applicant mis-selected the incorrect status, APAC recommended that SASC make any final decisions.

Probation, Suspension, and Dismissal Policy

If a grade recording error caused a student's suspension or dismissal, then APAC recommended that a successful appeal of the grade correction should initiate an automatic appeal of the suspension/dismissal without the student needing to initiate the secondary process.

Issues forwarded to the 2016-2017 academic year (the committee has not yet met)

Waiver of Application Confirmation Fee Policy

How should UND inform an applicant that the \$200 application fee may be waived?

Respectfully submitted,
Timothy Prescott

Final Report

Faculty members teaching at the University of North Dakota should, in most cases, hold appropriate credentials in their teaching discipline:

- Instructors (excluding for this requirement teaching assistants enrolled in a graduate program and supervised by faculty) possess an academic degree relevant to what they are teaching and at least one level above the level at which they teach, except in programs for terminal degrees or when equivalent experience is established. In terminal degree programs, faculty members possess the same level of degree. If a faculty member holds a master's degree or higher in a discipline or subfield other than that in which he or she is teaching, that faculty member should have completed a minimum of 18 graduate credit hours in the discipline or subfield in which they teach.

In some cases, equivalent tested experience may substitute for earned credentials:

- Relevant active certification or licensure from a professional organization or government agency, relevant to what they are teaching, and where regular re-certification (or re-licensure) is required to assure that knowledge/skills are kept up-to-date (e.g., FAA certifications, accounting, nursing, PA, OT, PT, MLS, or medical licensure).
- Extensive practical experience directly relevant to the field in which they are teaching, comprising no less than two years of full time experience or its equivalent within the past ten years. In some cases, disciplinary publications, professional presentations, or artistic performances may be considered to establish appropriate competencies.

When tested experience is used to establish a faculty member's appropriate expertise, such experience should be documented and reviewed by the appropriate Department or Program Chair and the appropriate Academic Dean.

**University Senate Curriculum Committee Report
February 2, 2017**

I New Course

- ATSC 456 : Introduction to Professional Meteorology
- BIMD 492 : Peer Teaching and Tutoring in Biomedical Sciences
- BIMD 514 : Foundations of Bioinformatics
- BIMD 526 : Medical Experiences for Graduate Students
- CHE 416 : Chemical Product Design
- ENGR 490 : Topics in Engineering
- MRKT 530 : Strategic Relationship Marketing
- N&D 345 : Community Nutrition
- N&D 497 : Supervised Practice in Community Nutrition
- NURS 444 : Baccalaureate Nursing Review Course
- PTRE 475 : Stimulation and Intervention Techniques
- SOC 538 : Seminar in Social Problems
- SOC 540 : Seminar in Social Policy
- SOC 599 : Internship in Sociology

II Course Deletion

- A&S 200 : Introduction to the Nonprofit Sector
- A&S 450 : Capstone Experience and Development for Nonprofit
- ANAT 490 : Directed Studies in Anatomy
- BIOL 124 : Environmental Science
- N&D 320 : Nutritional Interventions/Patient Care
- N&D 330 : Resources for Dietetic Practice
- N&D 341 : Community Nutrition I
- N&D 342 : Community Nutrition II
- SOC 598 : Individual Research
- SOC 997 : Independent Study

III New Program

- UND-EE : Minor in Electrical Engineering

Senate Approval is not required for the following report items

IV Program Changes

- AtSc-BS : BS in Atmospheric Sciences
 - Change in program requirements requiring a "C" or better in atmospheric sciences core courses.
- AVIT-Spec-Business : Aviation
 - Change in specialization requirements
- CE-BS : B.S. in Chemical Engineering
 - Change in program requirements
- Clinical Translational Science Graduate Program--Master's Degree

- Change in Admissions requirements
- Change in degree requirements
- Clinical Translational Science Graduate Program – PhD
 - Change in admissions requirements
 - Change in degree requirements
- ECON-MSAE : MS in Applied Economics
 - Change in admissions requirements
 - Change in degree requirements
- EDUC-SE-MS : MS in Special Education
 - Change in degree requirements
- EE-BS-AE Focus : BS in Electrical Engineering with Aerospace Focus
 - Change in program requirements
- EE-BS-BE Focus : BS in Electrical Engineering with Biomedical Engineering Focus
 - Change in program requirements
- EE-BS-CS Focus : BS in Electrical Engineering with Computer Science Focus
 - Change in program requirements
- EE-BS : BS in Electrical Engineering
 - Change in program requirements
- Math-MEd : Master of Education in Mathematics
 - Change in degree requirements
- ME-PHD : PhD in Mechanical Engineering
 - Change in admissions requirements
 - Change in degree requirements
- N&D-BS-Diet : BS in Dietetics
 - Change in program requirements
- N&D-BS : BS in Community Nutrition
 - Change in program requirements
- N&D-Minor : Minor in Nutrition
 - Change in minor requirements
- Nurs-BSN-Trad : Traditional On-Campus BSN
 - Change in program requirements
- Nurs-RN/BSN : RN to BSN Option
 - Change in program requirements
 - Acceptance of NCLEX credit
- PA-MPAS : Master of Physician Assistant Studies
 - Change in admissions requirements
 - Change in degree requirements
- Ph.D. in Electrical Engineering
 - Change in admissions requirements
 - Change in degree requirements
- Pols-BSPA : BSPA with Major in Public Administration
 - Change in program requirements
- PtrE-BS : BS in Petroleum Engineering
 - Change in program requirements
- RHS-Minor : Minor in Rehabilitation & Human Services
 - Change in program requirements

- Soc-MA : MA in Sociology
 - Change in admissions requirements
 - Change in degree requirements
- Thea-BFA-MT : BFA in Musical Theatre with Major in Theatre Arts
 - Correction in department from Music to Theatre Arts
 - Change in program requirements

V **Course Changes: Undergraduate**

- A&S 497 : Internship – Course Change
 - Prerequisite change
- ATSC 492 : Senior Project
 - Prerequisite change
- AVIT 411 : International and Long Range Navigation
 - Prerequisite change
 - Terms offered: Fall and Summer
- AVIT 438 : UAS Operations
 - Prerequisite change
- AVIT 485 : Aviation Senior Capstone
 - Terms offered: Fall and Spring
- CHE 206 : Unit Operations in Chemical Engineering
 - Terms offered: Spring
- CHE 232 : Chemical Engineering Laboratory I
 - Prerequisite change
 - Terms offered: Spring
- CHE 235 : Chemical Engineering Summer Laboratory I
 - Prerequisite change
- CHE 301 : Introduction to Transport Phenomena
 - Prerequisite change
- CHE 303 : Chemical Engineering Thermodynamics
 - Prerequisite change
- CHE 305 : Separations
 - Prerequisite change
- CHE 315 : Statistics and Numerical Methods in Engineering
 - Title change to Engineering Statistics and Design of Experiments
 - Prerequisite change
 - Revise course description
- CHE 321 : Chemical Engineering Reactor Design
 - Prerequisite change
- CHE 331 : Chemical Engineering Laboratory II
 - Prerequisite change
- CHE 332 : Chemical Engineering Laboratory III
 - Prerequisite change
 - Terms offered: Spring
- CHE 335 : Chemical Engineering Summer Laboratory II
 - Prerequisite change

- CHE 408 : Process Dynamics and Control
 - Prerequisite change
 - Terms offered: Fall
- CHE 411 : Plant Design I: Process Design and Economics
 - Prerequisite change
- CHE 412 : Plant Design II: Process Project Engineering
 - Prerequisite change
- CHE 413 : Plant Design II: Preliminary Process Project Engineering
 - Prerequisite change
- CHE 414 : Plant Design II: Conceptual Process Project Engineering
 - Prerequisite change
- CHE 431 : Chemical Engineering Laboratory IV
 - Prerequisite change
- CHE 435 : Materials and Corrosion
 - Terms offered: Spring
- CHEM 392 : Special Problems in Chemistry
 - Change total credit allowed from 3 to 6
 - Terms offered: Fall and Spring
 - Revise course description
- CSCI 290: Cyber-Security and Information Assurance
 - Title change to Cyber-Security and Information Assurance
 - Terms offered: Spring
- CSD 340 : Normal Language Structure
 - Terms offered: Spring
- EE 202: Electrical Engineering Laboratory
 - Course number change to 201L
 - Course title change to Digital Electronics Laboratory
 - Terms offered: Fall and Spring
- EE 206 : Circuit Analysis
 - Prerequisite change
- EE 306 : Circuits Laboratory I
 - Course number change to 206L
 - Prerequisite change
- EE 304 : Computer Aided Measurement and Controls
 - Prerequisite change
 - Terms offered: Fall
- EE 313 : Linear Electric Circuits
 - Prerequisite and corequisite change
- EE 307 : Circuits Laboratory II
 - Course number change to 313L
 - Prerequisite change
- EE 321 : Electronics I
 - Corequisite change
 - Terms offered: Fall

- EE 421 : Electronics II
 - Prerequisite change
 - Terms offered: Spring
- HIST 230: History of Science
 - Course title change to “A Cultural History of Science and Technology”
 - Terms offered: Spring Even Years
 - Revise course description
- HIST 349: War in Early Modern Europe
 - Course title change to “The Origins of Modern War”
 - Terms offered: Fall Odd Years
 - Revise course description
- HIST 399 : Selected Topics in History
 - Change in credit hours from 2-3 to 1-3
 - Terms offered: On Demand
- MRKT 510 : Strategic Market Planning
 - Prerequisite change
 - Terms offered: Fall and Spring
 - Revise course description
- N&D 245: Nutrition Throughout the Life Cycle
 - Title change to “Nutrition Through the Life Cycle”
 - Prerequisite change
 - Terms offered: Fall
- N&D 260 : Principles of Foods and Food Science
 - Change in credit hours from 3 to 5
 - Terms offered: Spring
 - Revise course description
- N&D 441 : Advanced Nutrition
 - Prerequisite change
 - Terms offered: Spring and Summer
- N&D 498 : Supervised Practice in Dietetics
 - Title change to “Supervised Practice in Dietetics”
 - Credit hour change from 1-9 to 1-12
 - Change Total credits allowed from 28 to 31
 - Corequisite change
 - Terms offered: Fall, Spring, and Summer
 - Revise course description
- PHYS 162 : Introductory College Physics II
 - Prerequisite change
 - Terms offered: Spring
- PHYS 318 : Mechanics II
 - Terms offered: Spring
- PHYS 327 : Electricity and Magnetism I
 - Terms offered: Fall Odd Years

- PHYS 328 : Electricity and Magnetism II
 - Terms offered: Spring Even Years
- PHYS 431 : Quantum Mechanics I
 - Terms offered: Fall Even Years
- PHYS 432 : Quantum Mechanics II
 - Terms offered: Spring Odd Years
- PHYS 461 : Introduction to Astrophysics II
 - Terms offered: Spring Odd Years
- PHYS 492 : Special Problems
 - Change in total credits allowed from 3 to 9
 - Terms offered: On Demand
 - Revise course description
- PSYC 313 : Educational Psychology
 - Prerequisite change
 - Prerequisite and Corequisite change
 - Terms offered: On Demand
 - Revise course description
- PTRE 201 : Introduction to Petroleum Engineering
 - Prerequisite change
 - Prerequisite and Corequisite change
- PTRE 301 : Reservoir Rock Properties
 - Prerequisite change
- PTRE 361 : Petroleum Engineering Laboratory I
 - Change in credit hours from 2 to 1
- PTRE 401 : Well Logging
 - Prerequisite change
- PTRE 462 : Petroleum Engineering Laboratory II
 - Change in credit hours from 2 to 1
- RHS 375 : Community Living Topics
 - Terms offered: Fall Spring, Summer
 - Editorial change in course description
- RHS 493 : Senior Capstone Seminar
 - Terms offered: Fall, Spring, and Summer
- RHS 497 : Internship in Rehabilitation
 - Term offered: Fall, Spring, and Summer
- SOC 409 : Selected Topics in Sociology
 - Change in credit hours from 1-4 to 3
 - Change it total credits allowed from 4 to 6
 - Terms offered: On Demand
- SOC 435 : Racial and Ethnic Relations
 - Prerequisite change
- SOC 436 : Social Inequality
 - Prerequisite change
- SOC 437 : Population
 - Prerequisite change
- TECH 433 : Manufacturing Strategies

- Prerequisite change
- Terms offered: Fall
- THEA 260 : Costume Craft
 - Prerequisite change
 - Terms offered: On Demand

VI Course Changes: Graduate

- ANAT 517 : Principles of Histology
 - Change in department from Anatomy to Biomedical Sciences
 - Prefix change from ANAT to BIMD
 - Prerequisite change
 - Terms offered: Spring
 - Revise course description
- ECON 997 : Independent Study
 - Change in credit hours from 2 to 3
 - Change in grading basis from ANC to Graded
 - Terms offered: Fall and Spring
 - Revise course description
- N&D 553 : Nutritional Health Advocacy and Policy
 - Change in credit hours from 2 to 3
 - Terms offered: On Demand
 - Revise course description
- N&D 998 : Thesis – Course Change
 - Change repeatable for credit from No to Yes
 - Total credits allowed 4
 - Terms offered: On Demand
- NURS 502 : Evidence for Practice
 - Prerequisite or Corequisite change
 - Terms offered: Fall and Spring
- NURS 573 : Research Funding
 - Prerequisite change
 - Prerequisite or Corequisite change
- PTRE 593 : Selected Topics in Petroleum Engineering
 - Change in total credits allowed from 4 to 12
- SOC 512 : Advanced Sociological Theory
 - Change in credit hours from 3-4 to 3
 - Prerequisite change
 - Terms offered: On Demand
 - Revise course description
- SOC 520 : Advanced Research Design
 - Change in credit hours from 3-4 to 3
 - Terms offered: Spring
- SOC 528 : Seminar in Research Methods
 - Change in repeatable for credit from “no” to “yes”
 - Total credits allowed: 6
 - Terms offered: On Demand

- SOC 539 : Seminar in Sociology
 - Terms offered: On Demand

Potential resolution, Senators Kenville and Weaver-Hightower:

- Whereas the University of North Dakota is being asked by the state to prepare and sustain significant budget reductions without permission to raise tuition as needed for ensuring the integrity of the Institution,
- Whereas the State Board of Higher Education is considering changing SBHE policy section 605.3 (Nonrenewal, Termination or Dismissal) so that the notice for reduction in force of tenured faculty members would be changed from one year to 90 days,
- Whereas the voluntary separation agreements for tenured faculty members, combined with a hiring freeze for tenured faculty members but not for other positions within the University, will likely affect the number of tenured faculty members at UND, the strength of that tenure, the perceived quality of the Institution, and the foundation of academic freedom
- And whereas an environment conducive to student learning and the educational mission of the institution are best served by preserving the health of the individual components (like tenure and a strong faculty) and thereby the entire, complex organism that is the university:

We, members of the University Senate, resolve to:

Express appreciation to President Kennedy and Provost DiLorenzo for their public stance against changes to SBHE policy section 605.3 (Nonrenewal, Termination or Dismissal) and their public declaration of intention to maintain the one-year notice to faculty members of closed programs at the University of North Dakota,

Request that College and University leadership structure budget decisions and hold meetings to insure that faculty and staff have input on budget decisions (including program closures) at the college and department level,

Request that the Senate Budget Restructuring and Reallocation and Curriculum Committees, representing the faculty, staff, and students, be integrally involved in decision-making processes of budget reduction and program/department reorganization or closure,

And urge University of North Dakota administration to protect tenure for faculty members and the future of the institution by maintaining faculty tenure positions as the principal priority for enhancing student learning and our state's educational and economic missions

**Resolution in Opposition to the Proposed Change in Time Required for Notification
for Dismissal of Tenured Faculty in SBHE policy 605.3, Section 6**

**Council of College Faculties
24 January 2017**

The Council of College Faculties (CCF) is the faculty governance body within the North Dakota University System (NDUS). Its purpose is to “foster quality in scholarly activities, teaching, and learning, and to consider all issues and conditions of employment which apply to the faculty at all campuses in the system¹.” The proposed changes to policy 605.3 demonstrate a lack of participation of the CCF in what is clearly in the realm of shared faculty governance as defined within the CCF Constitution. As such, the Council has discussed the proposed change in the time required for notification for termination of tenured faculty as outlined in SBHE policy 605.3 section 6. The Council strongly opposes the proposed change in reducing the time required for notification from 12 months to 90 days for the reasons listed below.

1. **Board’s Constitutional Responsibility** The SBHE is constitutionally required to protect faculty academic freedom and tenure is the best protector of academic freedom. Therefore, without a clear specification under which the declaration of financial exigency is declared and guidance in policy 605.3 regarding how the SBHE envisions faculty participation in this process at each institution, the conditions are set for potential abuse of power by institutions and is inconsistent with the premise of shared governance.

2. **Contract** Unlike most other professions, academic hiring typically occurs on twelve-month cycle based upon the academic year and contracts are issued by academic year for a defined contract period. Positions are advertised in the fall of the academic year and faculty start in the summer of the following year. As such, a faculty member that is terminated with ninety (90) day notice would more than likely face challenges in gaining new employment in their profession in a timely manner. The current twelve (12) month time required for notification of termination lessens the potential for lengthy periods of unemployment.

3. **Best Practices** This proposed change is a deviation from best practices in higher education across the United States of America. The American Association of University Professors (AAUP) guidelines recommend, consistent with current NDUS policy, a twelve (12) month notice for termination of tenured employees:

*If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service; at least six months [of salary or notice], if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service; **at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure.** . . . (from Regulation 8 of the Recommended Institutional Regulations; please see: <https://www.aaup.org/i-need-help/responding-financial-crisis/policies-and-best-practices>).*

4. **Quality** Changing to a ninety (90) day notification for termination of tenured faculty will add difficulty in recruiting and retaining the best and the brightest faculty at our institutions. When hiring faculty, we compete nationally with institutions that follow the twelve (12) month AAUP guideline for the time required for notification for dismissal of tenured faculty. Lessening the ability to recruit and retain the highest quality professors will compromise the quality of students' education in the NDUS.

5. **Due Process** The approved recommendations of the Chancellors Cabinet were made without the Chancellor consulting the Faculty Compensation Committee, a committee that is established within the Constitution of CCF and approved by the State Board of Higher Education (SBHE). The proposed change to SBHE policy 605.3 directly impacts faculty compensation by reducing the time required for notice for removal of tenured faculty, as indicated in section 6, from one year to ninety (90) days. As such, this is a dramatic reduction in compensation for a faculty member under this policy. In the absence of consulting with the Faculty Compensation Committee, this is in direct opposition to the spirit of the CCF Constitution.

6. **Criteria for Exigency** The conditions for a declaration of financial exigency are not clearly delineated. The absence of specific criteria for declaring financial exigency leads to a situation that lacks transparency and is fraught with the potential for an abuse of power by the institutions, the SBHE, and the NDUS administration. The potential deleterious impact that a declaration of financial exigency will have on long term institutional viability and on accreditation by the Higher Learning Commission needs to be considered.

7. **Transparency** If the SBHE wants to pursue the termination of tenured faculty as a mechanism for reducing the impact of the constrained budget, then SBHE policy 605.3 should clearly delineate a more detailed process of how faculty participation shall be solicited concerning:

- a. The extent to which there are grounds for termination of tenured 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.

Providing this guidance will help the NDUS increase transparency if these difficult decisions are required.

Therefore, the Council of College Faculties request that this policy change to 605.3 be thoughtfully reconsidered and the impact across the system considered. Making this change without adequate faculty consultation as outlined in the CCF Constitution marks a major policy change without faculty input and negatively impacts the morale and trust between the faculty and the SBHE whose very charge by the Constitution of the State of North Dakota is to protect faculty academic freedom in the NDUS.

¹The Constitution of the North Dakota University System's Council of College Faculties

This resolution was voted on at a Special Meeting of the Council of College Faculties on 24 January 2017. The vote was 16 in favor and 0 in opposition with no one abstaining.