



10-1-2009

October 1, 2009

University of North Dakota

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Minutes of the University Senate Meeting

October 1, 2009

The October meeting of the University Senate was held at 4:05 p.m. on Thursday, October 1, 2009 in Room 7, Gamble Hall. Wendelin Hume presided.

2.

The following members of the Senate were present:

Anderson, Ernest	Grandstrand, Tyrone	McBride, Rosanne
Anderson, Suzanne	Graziano, Rocky	Munski, Doug
Bakke, Matthew	Guy, Mark	Murphy, Eric
Bass, Gail	Hartman, Joseph	Pelton, Brady
Bates, Sandi	Haskins, James	Pohlman, Shelley
Berry, Colleen	Heitkamp, Thomasine	Poochigian, Donald
Bibel, George	Higgins, James	Rahn, Joshua
Blackburn, Royce	Hume, Wendelin	Rand, Kathryn
Bonner, Melissa	Iiams, Michele	Rice, Daniel
Boyd, Robert	Jeno, Sue	Schwartz, Rhonda
Brekke, Alice	Kelley, Robert	Smith, Wesley
Bridewell, John	Khavanin, Mohammad	Stofferahn, Curt
Broedel, Hans	Kitzes, Adam	Stolt, Wilbur
Crawford, Sean	Lawrence, David	Tyree, Elizabeth
Drewes, Mary	LeBel, Paul	Ullrich, Gary
Elsinga, Lillian	Lee, Ethan	Wang, Enru
Ferraro, Richard	Lei, Saobo	Werner, John
Fershee, Josh	Liepold, Loren	West, Jordan
Fincke, Adam	Light, Steven	Widmer, Donovan
Flower, Ann	Little, Michael	Worley, Deborah

3.

The following members of the Senate were absent:

Anderson, Julie	Goodwin, Janice	Petros, Thomas
Barkhouse, Wayne	Graham, Cody	Potvin, Martha
Benoit, Joseph	Houdek, Sherryl	Rakow, Lana
Borgerson, Matthew	Johnson, Phyllis	Riedy, Joshua
Bowman, Frank	Kenney, Lynda	Seddoh, Samuel
Christie, Isham	Kenville, Kimberly	Smart, Kathy
Dewar, Graeme	Knight, Barbara	Smith, Bruce
Elbert, Dennis	Marasinghe, Kanishka	Tienter, Dan
El-Rewini, Hesham	O'Keefe, Tim	Wynne, Joshua
Erickson, Daniel	Perkins, Dexter	

4.

The following announcements were made:

- a. Ms. Hume requested an addition to the business calendar: an approval of a faculty appointment on the Multicultural Awareness Committee. Mr. Munski moved approval, Mr. Little seconded, and the motion was approved with a vote of 48 for and 1 abstention.
- b. President Kelley reported that the SBHE extended the deadline regarding the nickname decision to no later than November 30, 2009. He encouraged the

senators not to have a sense of discouragement, and to keep an eye on the University's core mission.

- c. Ms. Hume shared a message from Mr. Jackson, faculty representative to the SBHE. He called attention to the statement from the SBHE regarding the nickname.
- d. There was an announcement from Student Government that the student senators and student committee appointees are established. The last appointments will be ratified at the upcoming meeting on Sunday.
- e. Ms. Hume announced that there will be a report from Alice Brekke at the November meeting regarding the Higher One Task Force.
- f. Ms. Hume indicated that if there are other issues of campus-wide interest or concern, senators should contact her and she will facilitate reports or announcements regarding those issues.

5.

Ms. Hume asked for corrections or additions to the minutes of the September 3, 2009 meeting. Hearing none, the minutes were approved as distributed.

6.

The question period was opened at 4:10 p.m.

- a. Mr. Murphy asked President Kelley about the composition of the search committee for the Vice President for Health Affairs and Dean of the School of Medicine. He expressed a concern about the number of faculty on the committee. President Kelley replied that he understood the concern and indicated that he made the decision on the committee composition and explained the specific constituencies. He believes there is full representation, but will discuss the concern with the committee chair. There was a clarification of a comment regarding a consultant by Ms. Flower who indicated the consultant met with faculty. Mr. LeBel clarified the purpose of the consultant's campus visit. He further indicated that there will be a lot of input from faculty during the process through several forums.
- b. Mr. Murphy asked whether there had been a response to the question regarding dining and food choices on campus. It was clarified that Alice Brekke sent information to the senators via the listserv.

The question period closed at 4:20 p.m.

7.

The annual report of the Senate Honorary Degrees Committee was presented. It was moved by Mr. Murphy and seconded by Mr. Pelton to accept the report. There was no discussion and the report was approved.

8.

The Curriculum Committee report was reviewed. Mr. Munski moved approval. Mr. Little seconded and the report was approved with a vote of 49 for and 1 abstention.

9.

The proposed change to the Conflict of Interest Policy was presented by Mr. Myers, chair of the Conflict of Interest/Scientific Misconduct Committee. He addressed the questions that had been presented to him since the last meeting. He indicated that there will have to be implementation work done on this policy by the various vice presidents. Ms. Heitkamp moved approval and Mr. Poochigian seconded the motion. Mr. Myers requested a friendly amendment to correct a typographical error and minor word change. Ms. Heitkamp and Mr. Poochigian

accepted the friendly amendment. Discussion ensued. The vote was taken and the motion was approved with a vote of 45 for, 2 against and 5 abstentions.

10.

The Essential Studies Committee change in membership proposal was presented by Mr. Kitzes and Ms. Coleman, past and current chairs of the Committee. Mr. Kitzes requested permission for Ms. Coleman to speak as a non-senator. Mr. Haskins moved to approve the request. Mr. Bakke seconded, and the motion was approved with a vote of 43 for and 1 against. Ms. Coleman explained the request to increase faculty membership from 10 to 13 with specific representation from the area of Arts and Sciences. The request would also add the Essential Studies Director to the committee as an ex-officio, non-voting member. Approval was moved by Mr. Haskins and seconded by Mr. Broedel. There was a concern that the actual revised document was not being presented. Although there was no disagreement with the proposal, there was agreement to postpone the vote until the Committee could present the actual document with the changes indicated for the vote. Discussion then ensued regarding possible changes in student numbers and the possibility of staff involvement. Mr. Haskins withdrew his motion.

11.

Ms. Hume presented the faculty representative for the Multicultural Awareness Committee, Robert Randall West, who had been selected by that committee. Mr. Stofferahn moved to approve the appointment. The motion was seconded by Mr. Blackburn and approved with a vote of 44 for and 6 abstentions.

12.

There was a motion by Mr. Munki and a second by Mr. Liepold to adjourn. The motion was approved and the meeting adjourned at 5:00 p.m.

Suzanne Anderson
Secretary to the Senate

Honorary Degrees Committee: Report to the University Senate
 Submitted by: Judy L. DeMers, Chairman, 2008-09
 September 10, 2009

Membership:

Joseph Benoit, Graduate School Dean
 Barbara Combs, College of Education & Human Development
 Judy DeMers, Chairman, School of Medicine & Health Sciences
 Loretta Heur, College of Nursing
 Margaret Moore Jackson, School of Law
 Sue Jenö, Representative of the Provost
 Elizabeth Scharf, College of Arts & Sciences

Meetings: The Honorary Degree Committee met five times during the 2008-09 academic year:

---October 8, 2008 – Organizational meeting: process, procedure, and time-line defined.

---October 30, 2008 – At the request of the Provost, the nomination of William (Bill) C. Marcil for the award of an honorary degree at the December 2008 commencement was considered, approved and forwarded to the University Senate.

---December 15, 2008 – Four nominees for the award of honorary degrees were reviewed. The committee voted unanimously to forward the names of Edwin Benson and LaVonne Russell Hootman to the University Senate. The Committee agreed to ask for additional information in regard to two of the nominees.

---January 22, 2009 – The Committee reviewed supplemental material for one of the nominees. The Committee voted unanimously to recommend James C. Ray to the University Senate for the award of an honorary degree. No additional materials were submitted for the remaining nominee. The nominee was not considered further at this time.

---April 9, 2009 – The Committee met and approved a plan for a second cycle of nominations and review each academic year to facilitate the possible award of honorary degrees at the December and May graduations. The Committee also will recommend to the Senate an amendment to institutional criterion #5. If approved, it would change from, "Scholarship specialization in an area in which the University normally grants an earned degree" to "Scholarship or specialization in an area in which the University normally grants an earned degree." Procedures 2b and 3 also will need to be amended to reflect this change.

University Senate Action: Four candidates were approved by the Senate for the award of honorary degrees. William (Bill) C. Marcil – approved 11-06-08; Edwin Benson, LaVonne Russell Hootman, and James C. Ray, approved 2-05-09. The changes regarding committee process and procedure and the change of the institutional criterion were scheduled for the May 2009 Senate meeting but were not acted on and approved until September 3, 2009.

Final Draft approved by the University Senate

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University Curriculum Committee Report
 Fall Semester 2009
 September 2009

New Courses

OT 480 Introduction to Scholarly Writing in Occupational Therapy 1 cr

Senate approval is not required for the following report items

Course Change Requests

Ling 480 Second Language Acquisition Theory and Practice – change title to Learner-Directed Second Language Acquisition; change in course description
 OT 494 Directed Studies in Occupational Therapy – change in course description

Program Requirements Change requests

Occupational Therapy – moving OT 494 to an elective course and adding OT 480 to the program requirements

Final Draft approved by the University Senate

Page 1

UNIVERSITY OF NORTH DAKOTA POLICY: CONFLICT OF INTEREST

I. Preamble

The University sees great value in outside activities that advance and communicate knowledge through interaction with government, industry, the community, and the public, and through consulting and professional opportunities. This Conflict of Interest Policy establishes University policies and procedures implementing State Board of Higher Education personnel policies regarding conflict of interest and outside employment or consulting practices. This Conflict of Interest Policy will allow faculty, staff and students at the University to identify and manage any conflicts between their interests and the interests of the University.

This Conflict of Interest Policy provides a guiding framework for all Employees for the identification, disclosure, management, and monitoring of non-University activities that is in accordance with federal regulations, state law, State Board of Higher Education (SBHE) policies, and University policies. This document defines the nature of conflicts of interest, provides principles that guide identification and disclosure of such conflicts, identifies the responsibilities of all parties involved, defines disclosure procedures, and provides a structure for enforcement.

II. Seven Guiding Principles

Seven principles guide the identification, disclosure, review, and management of real or potential conflicts of interest. The principles are not intended as a set of rigid rules, rather they represent an attempt to define a set of parameters by which conflict of interest situations can be managed.

Principle 1: Commitment to the University

All Employees are expected to fulfill their professional commitment to the University in good faith.

Principle 2: Honesty in Disclosure and Management

All Employees are expected to provide honest and thoughtful disclosure and management of any real or potential conflicts of interest.

Principle 3: Equitable Review and Management

The University strives toward an equitable review and management of non-University activities and commitments of all Employees. The decisions made about real or potential conflicts of interest aim to balance the interests of the University with the interests of the

individual Employee, while maintaining the integrity of both the University and the individual Employee. To this end, the University is expected to provide a fair and unbiased review of conflict of interest disclosures and a means of collaborative management of real or potential conflicts.

Principle 4: Confidentiality

The University is subject to the North Dakota Open Records Law; however, to the extent allowed by state and federal law, the University will maintain a commitment of confidentiality in conflict of interest disclosures.

Principle 5: Integrity in Scholarly Behavior

Non-University commitments and activities must not impede, bias, or restrict the subject matter, scholarly creativity, scientific strategy, or dissemination of information in a manner that undermines or compromises scholarly independence.

Principle 6: Preserving the Reputation and Best Interest of the University

Non-University commitments and activities must not undermine, compromise, or misrepresent the scholarly mission, reputation, and/or best interest of the University. It is the responsibility of the Employee to inform external entities of these obligations.

Principle 7: Appropriate Use of University Resources

The University must be adequately compensated for the significant use of University facilities, supplies, equipment, or personnel for non-University commitments and activities. If an Employee wishes to make significant use of University resources for non-University commitments, the Employee must obtain prior written permission from the Executive Head of the Unit for such use.

III. Definitions Pertinent to Conflicts of Interest

A. Appropriate Vice President

The Appropriate Vice President generally is the University official holding a position of Vice President who has administrative authority for the unit for which an Employee works the majority of the time. In all situations where an Employee is compensated from or has spending authority over funds derived from extramural funding, the Appropriate Vice President will be the Vice President for Research and Economic Development.

B. Conflict of Interest

A Conflict of Interest occurs when an Employee is involved in an activity, commitment, or interest that could adversely affect, compromise, or be incompatible with the obligations of the Employee to the University. A Conflict of Interest can involve conflicts of time commitment, research integrity, financial interest, use of university resources, or discipline-specific interests.

1. A *conflict of time commitment* occurs when an Employee is involved in and committed to unauthorized non-university activities that interfere with obligations to students, colleagues, and the primary mission of the University.
2. A *conflict of research integrity* occurs when an Employee has an obligation to an external entity that is in conflict with the Employee's obligations to the University, or that restricts or impairs the Employee's ability to perform research or other activities at the University. For more details, see the document: Ethical Conduct in Research, Scholarship and Creative Activity in the UND Faculty Handbook.
3. A *conflict of financial interest* occurs when an Employee influences the University in such a way as to lead to a significant direct or indirect financial gain for the Employee or any member of the Employee's close family (spouse and/or dependent children).
4. A *conflict in the use of university resources* occurs when an Employee uses university resources in the unauthorized conduct of non-University activities such that a reasonable person could conclude that the activity is undertaken by the Employee in an official University capacity, or that the activity has University sponsorship or authorization.
5. A *conflict of discipline-specific interests* occurs when the nature of the Employee's discipline, department or Employee obligations could cause situations that, while not implicating one of the conflicts listed above, could cause risk to the University. The Executive Head of the Unit is expected to provide written guidance to Employees regarding these situations and the Employees' obligations to disclose them.

C. Conflict of Interest Committee

The Conflict of Interest/Scientific Misconduct Committee ("Conflict of Interest Committee") is charged by the University Senate to develop and implement the Conflict of Interest policy. Its membership, responsibilities and functions will be determined by the University Senate. Administrative services will be provided by the office of the Vice President for Research and Economic Development. The Conflict of

Interest Committee will serve in an advisory capacity to the Appropriate Vice Presidents or their designees regarding conflict of interest issues, as defined in this Conflict of Interest Policy.

D. Committee of Investigation

Three-member panel used in an appeal under Section VI.

E. Disclosable Interest

Employees have numerous interests, only some of which could result in a Conflict of Interest. The intent of this Conflict of Interest Policy is to identify Employee interests that could conflict with the interests of the University and to manage those conflicts whenever possible. The University is not interested in collecting confidential or personal information that is not necessary for the identification and management of Conflicts of Interests. The general rule is that each Employee must disclose anything that could reasonably be interpreted as creating a Conflict of Interest. Some interests must be disclosed regardless of whether an Employee believes that such interest could reasonably be interpreted as creating a Conflict of Interest. These interests are listed in 1- 6 below.

1: If an Employee **a)** can influence or approve purchase of goods or services worth more than \$10,000 per year in his/her university role, or **b)** is responsible for the design, conduct, or reporting of research supported by federal agencies, then the Employee must disclose any significant financial interest in a non-University entity.

The term significant financial interest means anything of monetary value, including, but not limited to: salary or other payments for services (*e.g.*, consulting fees, honoraria); equity interests (*e.g.*, stocks, stock options, patents, copyrights, other ownership interests); and non-University royalties from intellectual property rights (*e.g.*, patents, copyrights, trade secrets, and trademarks).

The term does not include:

- i. Employee income of up to \$10,000 from service performed for public or nonprofit entities;
- ii. an equity interest in any single entity that when aggregated for the Employee and the Employee's spouse and/or dependent children meets both of the following criteria: a) does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and b) does not represent

more than a five percent ownership interest in the entity;

- iii. salary, royalties or other payments made to the Employee's spouse and/or dependent children, from entities that do not do business with the University;
- iv. salary, royalties or other payments from entities that do business with the University that, when aggregated for the Employee and the Employee's spouse and/or dependent children over the next twelve months, are not expected to exceed \$10,000.

2. An Employee who is a member of the faculty must disclose outside, compensated or voluntary, professional/commercial activities, including consulting or management of an outside business, if he/she spent more than 20% of his or her total work effort on such activity during the immediate past contract period or expects to do so during the next contract period. All other full time Employees must disclose any outside, compensated or voluntary, professional/commercial activities, including consulting for an outside business, if he/she has or expects to spend any effort on such activity during normal work hours at the University.

3. An Employee must disclose the use of significant University resources (including faculty, students, support staff, facilities, equipment, or confidential information) in carrying out any outside, compensated or voluntary, professional/commercial activities.

4. An Employee must disclose service as principal or co-principal investigator for sponsored projects submitted and managed through other academic, federal, or commercial institutions, excluding subcontracts awarded to the University of North Dakota and/or multi-site training or research projects.

5. An Employee must disclose service as a manager of an outside business activity in his/her professional field.

6. An Employee must disclose use of University resources to create, discover, or reduce to practice, patentable inventions which have not been disclosed to the University.

F. Employees

Employees, for the purposes of this Conflict of Interest policy only, are all persons who are participating in official University-sponsored activities on a full-time, part-time, or contract basis. This includes volunteers who may have a

potential Conflict of Interest. It also includes graduate students who hold research, service, or teaching appointments.

G. Executive Head of a Unit

The Executive Head of a Unit means a Dean or his/her designee for an academic unit and Director or Department Head or his/her designee for a non-academic unit. If a conflict exists for the Executive Head of the Unit, the matter will be referred to the next level of administrative authority in the normal reporting lines.

H. Inquiry

Inquiry means information gathering and fact-finding to determine whether a Conflict of Interest exists when a Report of Potential Conflict has been made.

I. Office of Record

The Office of Record is the office of the Vice President for Research and Economic Development. In addition to all documents required to be sent to the Office of Record by this Conflict of Interest Policy, the Office of Record will house the minutes, the annual report, and any other documents produced by the Conflict of Interest Committee. The Office of Record will retain all documents forwarded to it under this Conflict of Interest Policy for a period consistent with the University's records retention policy.

J. Report of Potential Conflict.

A Report of Potential Conflict is the written information delivered to an Appropriate Vice President under Section V. A. indicating that an Employee may have a Conflict of Interest.

IV. Procedures for Voluntary Disclosure of Potential Conflicts of Interest

This policy uses disclosure as the key mechanism to identify Conflicts of Interest, to evaluate them, and to manage or eliminate them. Employees are required to take the initiative to report promptly all Disclosable Interests. If changes occur in an Employee's activities, situation, or financial status relevant to the initial report, the Employee is required to inform the University of these changes. Conflicts of Interest span a wide spectrum, from those that can be easily managed to those that have such a serious impact that they cannot be permitted; therefore, existence of a Conflict of Interest, real or potential, will not necessarily preclude a particular activity.

A. Persons Required to Report

1. Before September 30 of each year, or within 30 days of the commencing of employment with the University, all Employees are required to report all Disclosable Interests.
2. Principal Investigators must also assure that personnel listed in a proposal or potential contract have filed appropriate documentation as described in section IV.B prior to submitting the proposal or potential contract to the Vice President for Research and Economic Development.

B. Documentation (Forms 1-4 are attached)

1. All University Employees
 - i. Annually, all Employees must file with the Executive Head of the Unit, a Financial Interests Disclosure Document (Form 1) and a Conflict of Commitment Document (Form 2). If any Employee declares a significant financial interest on Form 1, a Description of Financial Interest Activity (Form 3) must be completed for each entity or activity and submitted to the Executive Head of the Unit. Principal Investigators submitting an external grant proposal must have on file with the Office of the Vice President for Research and Economic Development a current Form 4. Notwithstanding the foregoing, an Executive Head of a Unit may waive the requirement to file the documents listed above for Employees who are volunteers or who work part-time. The Executive Head of the Unit will notify the Appropriate Vice President of the identity of any person for whom a waiver was granted.
 - ii. If the Employee's financial/business interests and/or time commitments materially change during the year, Forms 1, 2, and 3 must be revised within 30 days of the change.
2. Principal Investigators
 - i. Funding proposals cannot be submitted until all Conflict of Interest issues have been resolved and documented. Therefore, it is incumbent on the investigator to have the appropriate documentation and approval(s) prior to submission of a proposal for University review.
 - ii. If the Employee's financial/business interests and/or time

commitments materially change during the year such that it affects the design, conduct, or reporting of the research or educational activities of a proposal, Forms 1, 2, and 3 must be revised within 30 days of the change.

- iii. Principal Investigators must also assure that all individuals listed in a proposal or potential contract have filed appropriate documentation as described in this section IV.

C. Evaluation

1. The Executive Heads of Units have the responsibility to evaluate all documentation provided by Employees in the unit, and to document, and manage all Conflict of Interests.
2. The Employee has the responsibility to respond to inquiries from the University in connection with any report.
3. The Executive Head of the Unit will review all relevant forms and complete Section II of the Financial Interests Disclosure Document (Form 1) and/or Conflict of Commitment Document (Form 2). The review has two possible designated outcomes:
 - i. No Conflict of Interest exists.

When the Executive Head of the Unit determines that no Conflict of Interest exists, no further review of the documentation is required. All completed and signed original documents will be forwarded to the Office of Record.
 - ii. A Conflict of Interest may exist.

When the Executive Head of the Unit determines that a Conflict of Interest may exist, he/she will draft a brief summary of what led to that conclusion. The summary must include suggested terms for a memorandum of understanding for managing the conflict. All completed and signed original documents completed forms will then be forwarded to the Appropriate Vice President or his/her designee for further review.
4. The Appropriate Vice President or his/her designee has the responsibility to evaluate and render a decision regarding all potential Conflict of Interest cases that have been forwarded to him/her. The Appropriate Vice

President or his/her designee may consult outside experts before reaching a decision. The Appropriate Vice President or his/her designee will review all relevant forms and complete Section III of the Financial Interests Disclosure Document (Form 1) and/or Conflict of Commitment Document (Form 2). The evaluation has three possible designated outcomes:

i. No Conflict of Interest exists.

If the Appropriate Vice President or his/her designee determines that no Conflict of Interest exists, no further review of the documentation is required. The Appropriate Vice President will draft a memorandum outlining the rationale for the determination, a copy of which will be sent to the Employee and the Executive Head of the Unit.

ii. A Conflict of Interest exists, but the risk to the University can be managed.

If the Appropriate Vice President or his/her designee determines that a Conflict of Interest exists, but that any risk to the University can be managed, the Appropriate Vice President or his/her designee, in consultation with the Employee and the Executive Head of the Unit, will produce a Memorandum of Understanding to be signed by the University and Employee that details the manner in which the Conflict of Interest will be managed.

iii. A significant Conflict of Interest exists and the risk to the University cannot be managed

If the Appropriate Vice President or his/her designee determines that a Conflict of Interest exists and that the risk to the University cannot be managed, the Appropriate Vice President or his/her designee will provide the Employee a reasonable period of time to eliminate the cause of the Conflict of Interest.

Upon completion of the review, the signed originals of all documents will be forwarded to the Office of Record and copies will be sent to the Executive Head of the Unit and Employee. If a Memorandum of Understanding is required, after consultation with the Employee and the Executive Head of the Unit, the Appropriate Vice President or his/her designee will draft the document and forward it to the Executive Head of the Unit and Employee for signatures. The signed original Memorandum of Understanding will be forwarded to the Office of Record and a copy

will be sent to the Executive Head of the Unit and employee. If the Employee does not appeal the decision of the Appropriate Vice President, such decision will be final.

D. Conflicts of Interest Involving Administrators

1. In actual or potential Conflicts of Interest involving administrators at the level of Dean, Director, or higher, annual disclosure documentation will be delivered to the Appropriate Vice President or his/her designee, who will make a recommendation consistent with this policy. Appeals will be handled as stipulated in section VI of this policy. If the administrator does not appeal the decision of the Appropriate Vice President, such decision will be final.
2. In actual or potential conflicts of interest involving administrators at the level of Vice President, disclosures will be reviewed by the President, who will evaluate the disclosure for possible Conflict of Interest.

Following review, the signed original will be forwarded to the Office of Record and the Administrator will be notified of the decision in writing. If a Memorandum of Understanding is required, the Appropriate Vice President or his/her designee (or, in cases involving Vice Presidents, the President) will draft the document and forward it to the Administrator for his/her signature. The signed original Memorandum of Understanding will be forwarded to the Office of Record and a copy sent to the Administrator.

V. Procedures for Discovered Potential Conflicts of Interest.

A. Report of Potential Conflict.

Any person with information regarding a potential Conflict of Interest involving an Employee may make a Report of Potential Conflict, in writing, to the Appropriate Vice President for the Employee. A Report of Potential Conflict may also be submitted via any system operated by the University or the State of North Dakota for whistle blowers. If the person does not know the identity of the Appropriate Vice President, then the information may be delivered to any Vice President, who will determine the identity of and deliver the information to the Appropriate Vice President.

B. Pre-Inquiry Review by the Appropriate Vice President.

The Appropriate Vice President or his/her designee will review any Report of Potential Conflict to determine whether:

1. the potential Conflict of Interest is within the purview of this Conflict of Interest Policy;
2. the Employee has previously disclosed the information contained in the Report of Potential Conflict under the procedures contained in Section IV;
3. other policies and procedures, such as those relevant to employment grievances, should be invoked;
4. the allegation is outside the purview of the University;
5. the allegation is clearly without substance;

If an Inquiry is determined to be unwarranted, the Appropriate Vice President or his/her designee will prepare an internal memorandum-for-file including a statement of the allegation and the rationale for not conducting an inquiry. This memorandum will be forwarded to the Office of Record. A copy will be given to the Employee who is the subject of the Report of Potential Conflict.

If the Appropriate Vice President or his/her designee determines that an Inquiry is warranted, the Inquiry process will be initiated.

C. Inquiry Process.

1. Purpose.

After review by the Appropriate Vice President or his/her designee and a determination that there is a potential Conflict of Interest, the Appropriate Vice President or his/her designee will initiate an Inquiry. The purpose of the Inquiry is to explore further the allegations and determine whether a Conflict of Interest exists and, if a Conflict of Interest does exist, to determine the best method for managing it. The Inquiry will focus on the existence of a Conflict of Interest as defined in this Conflict of Interest Policy and examine the factual materials of each case. In the course of the Inquiry, additional information may emerge that justifies broadening the scope of the Inquiry beyond the initial allegations.

2. Procedure.

The Appropriate Vice President or his/her designee will determine the appropriate method for conducting the Inquiry Process. This may entail the appointment of a person or committee to gather factual information. The Appropriate Vice President or his/her designee will notify the Employee in writing of the decision to begin the Inquiry and of the

procedures that will be used to gather information

All factual findings will be evaluated by the Appropriate Vice President or his/her designee. The evaluation has three possible designated outcomes:

i. No Conflict of Interest exists.

If the Appropriate Vice President or his/her designee determines that no Conflict of Interest exists, no further review of the documentation is required.

ii. A Conflict of Interest exists, but the risk to the University can be managed.

If the Appropriate Vice President or his/her designee determines that a Conflict of Interest exists, but that any risk to the University can be managed, the Appropriate Vice President or his/her designee, in consultation with the Employee and the Executive Head of the Unit, will produce a Memorandum of Understanding to be signed by the University and Employee that details the manner in which the Conflict of Interest will be managed.

iii. A significant Conflict of Interest exists and the risk to the University cannot be managed

If the Appropriate Vice President or his/her designee determines that a Conflict of Interest exists and that the risk to the University cannot be managed, the Appropriate Vice President or his/her designee will provide the Employee a reasonable period of time to eliminate the cause of the Conflict of Interest.

Upon completion of the review, the signed originals of all documents will be forwarded to the Office of Record and copies will be sent to the Executive Head of the Unit and Employee. If a Memorandum of Understanding is required, after consultation with the Employee and the Executive Head of the Unit, the Appropriate Vice President or his/her designee will draft the document and forward it to the Employee for signature. The signed original Memorandum of Understanding will be forwarded to the Office of Record and a copy will be sent to the Executive Head of the Unit and Employee. If the Employee does not appeal the decision of the Appropriate Vice President, such decision will be final.

A. Initiation of Appeal

An appeal of the decision by the Appropriate Vice President or his/her designee, or by the President in the case of Conflicts of Interest involving Vice Presidents, may be initiated by the Employee.

1. The Employee must submit a written appeal to the Appropriate Vice President or his/her designee within 30 working days of receiving written notification of the decision. The appeal will then be forwarded to the Conflict of Interest Committee, which will commence the process under subsection B below.
2. In the case of an administrator at the level of Dean, Director, or higher, she/he must submit a written appeal to the President within 30 working days of receiving written notification of the decision. The appeal will then be forwarded to the Conflict of Interest Committee, which will commence the process under subsection B below.

B. Process and Structure.

1. The Chair of the Conflict of Interest Committee will consult with the Chair of the University Senate to appoint a three-person Committee of Investigation, all without conflict of interest. If the Conflict of Interest involves an Employee who is a member of the faculty, at least two members of the Committee of Investigation must be tenured faculty at the rank of associate or full professor and have appropriate expertise for evaluating the information relative to the case. In the Conflict of Interest involves an Employee who is not a member of the faculty, at least two members of the Committee of Investigation must be members of the staff or administration and have appropriate expertise for evaluating the information relative to the case. Members of the Committee of Investigation may be appointed from outside the University of North Dakota community if, in the judgment of the Conflict of Interest Committee, the circumstances justify such an appointment. Otherwise, the third member will be appointed from within the University and must meet the same requirements as those listed for the first two members. Appointment of a Committee of Investigation will be made within 20 working days, or such later time as agreed to by both the Employee and Chair of the Conflict of Interest Committee, following the receipt of notice by the Conflict of Interest Committee that the written appeal has

been submitted to the Appropriate Vice President.

2. Before the Committee of Investigation is convened, the Chair of the Conflict of Interest Committee will notify the Employee of the procedures that will be used to examine the Conflict of Interest and direct the Employee to this Conflict of Interest Policy for procedural guidance. Further, the Employee will be informed of the proposed membership of the Committee of Investigation for the purpose of identifying, in advance, any real or potential conflicts of interest.
3. At its first meeting, the Committee of Investigation will elect a chairperson to handle procedural and administrative matters. All Committee of Investigation members will be voting members.
4. Every effort will be made to complete the Investigation phase within 120 working days; however, it is acknowledged that some cases may render this time period difficult to meet. In such cases, the Committee of Investigation must prepare a progress report for the Conflict of Interest Committee that includes the reasons for the delay and an estimate of the additional time necessary for completion of the Investigation.

C. Findings.

Upon completion of the Investigation, the Committee of Investigation will submit a draft report to the Employee for comment. The Employee will be sent a copy of the draft report by certified mail, return receipt requested. The Employee will be given the opportunity to comment in writing upon the findings and recommendations of the Committee of Investigation. If the Employee chooses to comment, such comments will be forwarded to the Committee of Investigation as soon as possible but no later than 20 working days from the date of receipt of the draft report. The Committee of Investigation will then submit the final report to the President, which details the Committee of Investigation's findings.

The final report must include:

1. Summary of appeal. Describe the findings of the Appropriate Vice President and decision of the Appropriate Vice President that is being appealed,
2. Policies and procedures. Describe the institutional policies and

- procedures under which the Investigation was conducted,
3. Research records and information. Identify and summarize the records and information reviewed, and identify any information taken into custody but not relied upon.
 4. Statement of findings. For each separate possible Conflict of Interest identified during the Investigation, provide a finding as to whether a Conflict of Interest exists, and if so summarize the facts and the analysis which support the conclusion and consider the merits of any reasonable explanation by the Employee;
 5. Recommendation. For each separate possible Conflict of Interest, recommend a way to manage the Conflict of Interest or, if management of the Conflict of Interest is not possible, a reasonable period of time for the Employee eliminate the cause of the Conflict of Interest

All records of any Investigation will be maintained by the Office of Record

The report will also be sent to the Employee and the President by the Committee of Investigation.

D. Final Decision to be made by the President.

The report of the Committee of Investigation will be evaluated by the President. The evaluation has three possible designated outcomes:

1. No Conflict of Interest exists.

If the President determines that no Conflict of Interest exists, no further review of the documentation is required. The President will draft a memorandum outlining the rationale for the determination, a copy of which will be sent to the Employee, the Appropriate Vice President and the Executive Head of the Unit.

2. A Conflict of Interest exists, but the risk to the University can be managed.

If the President determines that a Conflict of Interest exists, but that any risk to the University can be managed, the President or his/her designee, in consultation with the Employee and the

3. The Executive Head of the Unit, will produce a Memorandum of Understanding to be signed by the University and Employee that details the manner in which the Conflict of Interest will be managed.

3. A significant Conflict of Interest exists and the risk to the University cannot be managed

If the President determines that a Conflict of Interest exists and that the risk to the University cannot be managed, the President will provide the Employee a reasonable period of time to eliminate the cause of the Conflict of Interest.

Upon completion of the review, the signed originals of all documents will be forwarded to the Office of Record and copies will be sent to the Executive Head of the Unit and Employee. If a Memorandum of Understanding is required (and is different from any Memorandum of Understanding produced earlier in the process), the President or his/her designee will draft the document and forward it to the Employee for signature. The signed original Memorandum of Understanding will be forwarded to the Office of Record and a copy must be sent to the Executive Head of the Unit and Employee

VII. MANAGEMENT, ENFORCEMENT AND SANCTIONS.

A. Management.

1. If a Memorandum of Understanding is signed by the University and the Employee, the Executive Head of the Unit will determine an appropriate method to monitor the situation to ensure compliance with the Memorandum of Understanding.
2. If the Conflict of Interest involves an Employee who is compensated from or has spending authority over funds derived from extramural funding, prior to expending any funds, and if required to do so by funding agency policy, the Vice President for Research and Economic Development or his/her designee will notify the funding agency of the existence of the Conflict of Interest and provide written assurance that the Conflict of Interest is being managed, reduced, or eliminated in accordance with agency requirements.

3. The University of North Dakota will maintain records of all financial disclosures and of all actions taken to resolve conflicts of interest for ten years after: the termination of the award, completion of the award, or the resolution of any government action involving those records.

B. Enforcement

The Appropriate Vice President or his/her designee is responsible for:

1. ensuring that Executive Heads of all units obtain annual Conflict of Interest documentation from each Employee,
2. enforcing compliance with this Conflict of Interest Policy, and
3. providing the Purchasing Office, on a monthly basis, with lists of those Employees who, under a Memorandum of Understanding, have limits placed on their ability to direct the expenditure of University funds and those Employees who have failed to file their annual Conflict of Interest documentation.

C. Employment Conditions

Each Employee must comply with the terms of any Memorandum of understanding entered into between the University and the Employee and/or by the terms of any final decision under Sections IV, V or VI. Any Employee who does not comply may be subject to employment conditions including, but not limited to:

1. administrative supervision of funded research,
2. administrative supervision of the use of University facilities and properties,
3. freezing or loss of research funds or accounts,
4. loss of privileges in the use of University facilities and property,
5. rescission of contracts with entities or Employees, and
6. criminal or civil legal action.
7. termination of employment.

Instructions

The intent of the conflict of interest policy is to foster university activities and outside professional activities as positive contributors to the University of North Dakota. The University sees great value in outside activities that advance and communicate knowledge through interaction with government, industry, the community, and the public, and through consulting and professional opportunities. The conflict of interest policy establishes guidelines to allow faculty and staff at the University of North Dakota to identify potential conflicts, and to manage those conflicts in ways that balance the integrity and interests of the University of North Dakota with those of each University employee.

The disclosable interest forms are designed to identify situations that might lead to conflicts of interest so that they may be properly managed. However, no form is perfect and situations may exist that are not identified by the disclosable interest forms. If you have situations that are not identified by these forms but that could create a conflict of interest, please report them to the Executive Head of the Unit so that they may be properly managed.

It is important to note that the intent of this conflict of interest policy is not to collect confidential information (e.g., information protected by lawyer-client privilege, doctor-client privilege, a confidentiality agreement, etc.) with these forms, except where that information directly relates to a potential Conflict of Interest. When completing these forms, be mindful that they are subject to the state's "open records" law.

Instructions for Completing Forms

Annually, all **Employees** must file with the Executive head of the unit Form 1 (*Financial Interests Disclosure Document*) and Form 2 (*Disclosable Interests Document*). If a potential conflict is indicated on Form 1, then Form 3 (*Description of Financial Interest Activity*) must be completed for each entity or activity and filed with the Executive head of the unit.

Principal Investigators submitting an external grant proposal must have on file with the Office of the Vice President for Research and Economic Development a current Form 4 (*Certification of Filing of Financial Interests Disclosure Document*). This form remains valid for a one year period.

If an employee's financial/business interests and/or time commitments materially change during the year, it is the employee's responsibility to re-file appropriate forms and provide relevant information to the Executive Head of the Unit within 30 days of the change to ensure proper conflict of interest management.

The definition of "significant financial interest" is somewhat lengthy and, thus, is provided on the next page for convenience. It is noted that although a specific dollar amount (\$10,000) is

Final Draft approved by the University Senate
Page 19

used for guidance, a conflict of interest can occur for amounts less than this, as indicated in the definition below.

If you have questions regarding the conflict of interest policy, the conflict of interest forms, or conflict of interest in general, please consult with Research Development & Compliance (701-777-4278; 105 Twamley Hall; rdc@mail.und.edu).

Definition of Significant Financial Interest

The term **significant financial interest** means anything of monetary value, including, but not limited to: salary or other payments for services (e.g., consulting fees, honoraria); equity interests (e.g., stocks, stock options, patents, copyrights, other ownership interests); and non-University royalties from intellectual property rights (e.g., patents, copyrights, trade secrets, and trademarks).

The term does **not** include:

1. Employee income of up to \$10,000 from service performed for public or nonprofit entities;
2. an equity interest in any single entity that when aggregated for the Employee and the Employee's spouse and/or dependent children meets both of the following criteria: a) does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and b) does not represent more than a five percent ownership interest in the entity;
3. salary, royalties or other payments made to the Employee's spouse and/or dependent children, from entities that do not do business with the University;
4. salary, royalties or other payments from entities that do business with the University that, when aggregated for the Employee and the Employee's spouse and/or dependent children over the next twelve months, are not expected to exceed \$10,000.

If you have outside, income-producing activities involving University employees or students that constitute a significant financial interest:

If you checked any of the above items, please list below the name of each entity in which you have a financial interest and attach a separate Description of Financial Interest document (Form 1) for each entity.

By submitting this form, I certify that I have read the Conflict of Interest Policy. I affirm that the information I have provided is complete and accurate to the best of my knowledge. I recognize my continuing obligation to report changes in my status. I declare that if I am party to a Memorandum of Understanding with the University, I am in full compliance with the Memorandum of Understanding.

**UNIVERSITY OF NORTH DAKOTA CONFLICT OF INTEREST FORM 1
FINANCIAL INTERESTS DISCLOSURE DOCUMENT**

(to be filed annually by all University Employees)

Name _____ Title _____

College/Adm. Unit _____ Dept./Adm. Unit _____

SECTION I. WHO MUST FILL OUT SECTION II (please check all that apply)

In your association with the University of North Dakota, do you or do you expect to:

- Be responsible for the design, conduct, or reporting of research supported by federal agencies?
- Have signing authority for off-campus purchases of over \$10,000 per year?
- Be in a position to influence decisions on purchases of over \$10,000 per year?

If you have not checked any of the above items, please skip Section II and sign below. Otherwise, complete Section II and sign below.

SECTION II. FINANCIAL DISCLOSURE

In your association with the University of North Dakota, do you make or impact decisions that could be influenced because you, your spouse, and/or dependent children:

- 1) Have a consulting relationship or managerial role that involves annual remuneration greater than or equal to \$10,000 with a company that:
- does business with the University,
 - is in a field of your research or service activities, or
 - is a sponsor of your research or service activities.
- 2) Have a **significant financial interest** in a company that:
- does business with the University,
 - is in a field of your research or service activities, or
 - is a sponsor of your research or service activities.
- 3) Have intellectual property interests on a patent, patent application, or a copyright of software assigned or to be assigned to a party other than the University of North Dakota.
- 4) Have outside, income-producing activities involving University Employees or students that constitute a **significant financial interest**.

If you checked any of the above items, please list below the name of each entity in which you have a related financial interest and attach a separate Description of Financial Interest Activity document (Form 3) for each entity.

*In submitting this form, I certify that I have read the **Conflict of Interest Policy**. I affirm that the information I have provided is complete and accurate to the best of my knowledge. I recognize my continuing obligation to report changes in my status. If I declare that if I am party to a Memorandum of Understanding with the University, I am in full compliance with that Memorandum of Understanding.*

SECTION II. REVIEW BY EXECUTIVE HEAD OF THE UNIT

- I have reviewed the financial interest disclosure document and any attachments submitted by

_____ on _____
 (Name) (Date)

To the best of my knowledge, a conflict of interest situation does not exist and no further review is required.

- I have reviewed the financial interest disclosure document and any attachments submitted by

_____ on _____
 (Name) (Date)

The document may indicate a conflict of interest; therefore, I am referring the matter for further review to the Appropriate Vice President.

 Signature of Reviewing Authority

 Date

 Title of Reviewing Authority

SECTION III. REVIEW BY THE APPROPRIATE VICE PRESIDENT

I have reviewed the financial interest disclosure document and any attachments submitted by

_____ on _____
 (Name) (Date)

- I find that no conflict of financial interest exists.
- I find that a conflict of financial interest exists and conditions detailed in a Memorandum of Understanding between the employee and the University must be imposed.
- I find that a significant conflict of financial interest exists that cannot be managed by imposition of conditions and the Employee must eliminate the conflicting interest.

 Signature of Appropriate Vice President

 Date

**UNIVERSITY OF NORTH DAKOTA CONFLICT OF INTEREST FORM 2
DISCLOSABLE INTERESTS DOCUMENT**

(to be filed annually by all University Employees)

Name _____ Title _____

College/Administrative Unit _____

Department/Administrative Unit _____

Appointment Percentage (e.g., 100%, 50%) _____

SECTION I. DISCLOSABLE INTERESTS

During your past or upcoming contract periods, did you or will you:

1. If you are a member of the faculty, spend more than 20% of your total work effort on outside, compensated or voluntary, professional/commercial activities, including consulting or management of an outside business? If you are not a member of the faculty, spend any work effort on outside, compensated or voluntary, professional/commercial activities, including consulting or management of an outside business during normal work hours at the University? Yes No
2. Use significant University resources (including faculty, students, support staff, facilities, equipment, or confidential information) in carrying out your outside, compensated or voluntary, professional/commercial activities? Yes No
3. Serve as principal or co-principal investigator for sponsored projects submitted and managed through other academic, federal, or commercial institutions, excluding subcontracts awarded to the University of North Dakota and/or multi-site training or research projects? Yes No
4. Serve as a manager of an outside business activity in your professional field? Yes No
5. Use University resources to create, discover, or reduce to practice, patentable invention(s) which have not been disclosed to the University? (This question does not apply to books or journal articles.)
 Yes No
6. Be involved in any activities other than those listed that may be perceived as a conflict of interest?
 Yes No

For each question answered yes, please list all such arrangements and provide an attached written explanation. Dollar amounts are NOT to be disclosed.

*In submitting this form, I certify that I have read the **Conflict of Interest Policy**. I affirm that the information I have provided is complete and accurate to the best of my knowledge. I recognize my continuing obligation to report changes in my status. If I declare that if I am party to a Memorandum of Understanding with the University, I am in full compliance with that Memorandum of Understanding*

Signature _____ Date _____

SECTION II. REVIEW BY EXECUTIVE HEAD OF THE UNIT

- I have reviewed the conflict of commitment document and any attachments submitted by

_____ on _____
 (Name) (Date)

To the best of my knowledge, a conflict of commitment does not exist and no further review is required.

- I have reviewed the conflict of commitment document and any attachments submitted by

_____ on _____
 (Name) (Date)

The document may indicate a conflict of commitment; therefore, I am referring the matter for further review to the Appropriate Vice President.

 Signature of Reviewing Authority

 Date

 Title of Reviewing Authority

SECTION III. REVIEW BY THE APPROPRIATE VICE PRESIDENT

I have reviewed the conflict of commitment document and any attachments submitted by

_____ on _____
 (Name) (Date)

- I find that no conflict of commitment exists.
- I find that a conflict of commitment exists and conditions detailed in a Memorandum of Understanding between the employee and the University must be imposed.
- I find that a significant conflict of commitment exists that cannot be managed by imposition of conditions and the Employee must eliminate the conflicting interest.

 Signature of Appropriate Vice President

 Date

**UNIVERSITY OF NORTH DAKOTA CONFLICT OF INTEREST FORM 3
DESCRIPTION OF FINANCIAL INTEREST ACTIVITY**

(to be filed if a potential conflict involving a significant financial interest is identified on Form 1)

Name _____ Title _____

College/Administrative Unit _____

Department/Administrative Unit _____

Name of Entity or Activity: _____ Date: _____

Type of Entity: Business Non-Profit Governmental Other

Type of financial interest: Income Equity Ownership

Please explain your significant financial interest. Note that a significant financial interest will generally fall into the categories of income, equity, or ownership. Within these areas, a significant financial interest can involve specific items like, but not limited to:

- honoraria, consulting fees, salary, dividends or royalties
- stock, stock option, real estate, or other investment
- ownership
- you, your spouse, and/or dependent children holding a position of management (director, officer, partner, trustee) with an entity
- an entity holding copyright, patent rights, or license rights to a product of yours, your spouse, and/or dependent children
- an entity manufacturing or commercializing a product of yours, your spouse, and/or dependent children.

Please describe your financial interest: _____

*In submitting this form, I certify that I have read the **Conflict of Interest Policy**. I affirm that the information I have provided is complete and accurate to the best of my knowledge. I recognize my continuing obligation to report changes in my status. If I am party to a Memorandum of Understanding with the University, I am in full compliance with that Memorandum of Understanding*

October 17, 2008

UNIVERSITY OF NORTH DAKOTA CONFLICT OF INTEREST FORM 4
CERTIFICATION OF FILING OF FINANCIAL INTERESTS DISCLOSURE DOCUMENT
(to be filed by all principal investigators)

Faculty/Staff Name: _____

College/Administrative Unit: _____

Department/Administrative Unit: _____

This is to certify that on _____, I filed a UND *Financial Interests Disclosure Document* (Form 1) with _____. It includes information regarding any significant financial interests (and those of my spouse and/or dependent children) that would reasonably appear to be affected by the research, educational, or service activities, for which sponsored program funding is sought, and in entities whose financial interests would reasonably appear to be affected by the research.

Further, I agree:

- To update this disclosure during the period of any award as new reportable significant financial interests are obtained.
- To cooperate in the development of a Memorandum of Understanding (MOU) that constitutes a conflict of interest "resolution plan" if a conflict of interest or potential conflict of interest is found to exist.
- To comply with any conditions or restrictions imposed by the University to manage, reduce, or eliminate actual or potential conflicts of interest or forfeit any relevant award.
- To have a fully-executed MOU in place, if required, prior to making any expenditures of sponsored project funds.

Signed: _____ Date _____

ENDORSEMENTS:

I have reviewed the *Financial Interests Disclosure Document* (Form 1) submitted by _____ and believe that, if it is found that a conflict of interest exists, it will be possible to manage that conflict of interest. If needed, an MOU to manage the conflict of interest during the course of an award will be established prior to expenditure of award funds.

 Executive Head of the Unit

 Date

October 17, 2008

To: Members of the Essential Studies Committee

From: Ryan Zerr, Past Chair & Tom Steen, ES Director

Re: Proposed changes to the membership of the Essential Studies Committee

We are proposing a change in the ESC membership. We'd like to engage the Committee in a discussion of our proposal at one of the next meetings, with the goal of implementation in time for next year's Committee assignments.

In this memo, we offer: a) rationale for the need for changes, b) the current membership stipulations, c) our proposed changes, and d) our understanding of the procedure for approving and implementing the changes.

Rationale for Changes

One of the main principles in general education anywhere is that there is a sense of campus-wide "ownership" for the program. This is a principle that the GE Task Force and the GE Committees (now ESC) in the past have tried to foster here at UND. In particular, the Task Force was very careful have membership from different disciplines, departments, and colleges, as well as from various staff offices related to GE (e.g., the library, advising, international program, American Indian Student Services).

We believe that this principle—the whole campus owns the ES program—is vital to our future success, and we think that this principle should apply to the ESC membership. We don't think it does so now. The current membership stipulation does not give consideration to spreading the membership out across campus. Consequently, representation can vary greatly from year to year, and the interests of particular parts of campus can be missed.

Secondly, the ESC workload is significant, and it would help if there were more "hands" available. As the new program moves on, we do not see this workload lightening. On the contrary, it could increase, especially since we need to add the task of annual program reviews and reporting to the ESC workload (something that's in the ESC charge, but which never seems to get done). With the implementation of a program-wide assessment plan—something that we are doing under Joan Hawthorne's leadership—the ESC will need to add time to study the assessment results and then analyze the program's effectiveness. Obviously this is an important task, and it's one that is clearly appropriate for the ESC to take on, but it also has the potential to add to the ESC's workload.

Therefore, we believe that enlarging the membership would alleviate the workload.

Third, since the Office of Essential Studies and the position of the Director are both new, and since the Director's role is integrally tied to the mandate and the work of the Committee, we believe that the ES Director should be added to the Committee membership.

Current ESC Membership (from Senate's Committee Handbook)

Current membership is 10 faculty members, **2 students**, and 3 administrators, plus the committee secretary. The administrators are an Academic Dean (selected by the Dean's

Council), the V.P. for Academic Affairs, and the Registrar. The VPAA and Registrar may appoint designees. The ESC Chair and Chair-Elect are chosen by the ESC, and they must be faculty members.

Faculty members are appointed for 3-year terms, with 3 new members each year (exception: the chair serves for an additional year in the role of Past Chair, thus making 10 faculty members).

Student members serve 1-year terms. Administrators' terms are: Academic Dean—1 year, VPAA—"concurrent with office," Registrar—same as VPAA.

All members are voting except the Registrar.

Elections and appointments must be made in time for the new ESC membership by May 1 each year.

Our Proposed Changes in Membership

- Enlarge the faculty membership to 13 by appointing 4 new members each year, instead of 3. Keep term lengths at 3 years (except for Past Chair).
- Stipulate that each College with undergraduate programs have at least 1 member, and that Arts & Sciences has **one faculty** member from each division (Fine Arts, Humanities, Social Sciences, and Math and Natural Sciences).
- Reason: A&S is by far the largest "producer" of ES courses—as such it has a significant investment in the ES program as well as broad experience in offering ES courses. (Note: the 7 colleges with representation under our proposal would be: Aerospace Sciences, Arts & Sciences, Business & Public Administration, Education & Human Development, Engineering & Mines, Medicine & Health Sciences, and Nursing).
- Add the new Director of Essential Studies to the ESC, as a non-voting member. Similar to the Registrar, the Director holds an administrative role. And the Director's role as an advisor or consultant to departments and individual faculty may be better supported by working within the ESC as a non-voting member.

Amstrong, Robert
Anderson, Julie
Bibel, George
Blackburn, Royce
Boyd, Robert
Crawford, Sean
Elliott, Dennis
Kilgus, William
Kitchener, Daniel
Perrino, Richard
Uzziello, Rocky

Chen, David
Harrison, Thomas
Higgins, John
Lynn, William
Johnson, David
Kramer, Lynn
Kramer, Thomas
Lawrence, David
Light, Steven
McNair, James
O'Keefe, Tim

Perkins, Dexter
Petras, Thomas
Roughgarden, Donald
Sartin, Melissa
Sard, Kathryn
Siedel, Joshua
Smith, Bruce
Tianter, Dan
Wang, Anna
Wynn, Joshua