



3-1-2012

**March 1, 2012**

University of North Dakota

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Minutes of the University Senate Meeting  
March 1, 2012

1.

The March meeting of the University Senate was held at 4:05 p.m. on Thursday, March 1, 2012 in Room 7, Gamble Hall. Curt Stofferahn presided.

2.

The following members of the Senate were present:

Anderson, Ernest	Harsell, Dana	Onchwari, Grace
Anderson, Suzanne	Haskins, Jim	Oversen, Kylie
Antonova, Slavka	Hillebrand, Diane	Pederson, Randy
Bahl, Landon	Jackson, Jon	Petros, Thomas
Baker, Mary	Jehlicka, Brenden	Poochigian, Donald
Bass, Gail	Jeno, Sue	Rakow, Lana
Beck, Pamela	Kallio, Brenda	Ray, Linda
Berger, Albert	Keengwe, Jared	Reesor, Lori
Bibel, George	Kenville, Kimberly	Rice, Daniel
Bradley, April	Khavanin, Mohammad	Robison, Lori
Brekke, Alice	Kitzes, Adam	Safratowich, Michael
Bridewell, John	Koepke-Nelson, Yvette	Schwartz, Rhonda
Casler, James	Korniewicz, Denise	Seddoh, Amebu
Christian, Stephanie	Laguetta, Soizik	Smart, Kathy
Drechsel, Paul	McGinniss, Mike	Smith, Bruce
Drewes, Mary	Mikulak, Marcia	Stofferahn, Curt
Elbert, Dennis	Mitzell, John	Swisher, Wayne
Elness, Nathan	Mochoruk, James	Tiemann, Kathleen
El-Rewini, Hesham	Moen, Joseph	Watne, Eric
Emmons, Kristin	Mosher, Sarah	Young, Patricia
Gerbert, Shane	Munski, Doug	
Halgren, Cara	Murphy, Eric	

3.

The following members of the Senate were absent:

Badahdah, Abdallah	Langstraat, Jeffrey	Suleiman, Nabil
Cherry, Emily	LeBel, Paul	Swartz, Kristi
Doze, Van	Oncel, Nuri	Tompkins, John
Dunlevy, Jane	Oommen, Abraham	Volkov, Boris
Evanson, Tracy	Rand, Kathryn	Walker, Anne
Gapp, Jacob	Reissig, Bradley	Wynne, Joshua
Gorney, Kjiesta	Riedy, Joshua	Wynne, Lucas
Johnson, Phyllis	Shafer, Richard	
Kelley, Robert	Stolt, Wilbur	

4.

The following announcements were made:

- Mr. Stofferahn announced that due to the Honorary Degrees Committee not being present at the last Senate meeting and the time requirements for state approval, the Senate Executive Committee (SEC) acted on behalf of the Senate at their February 15 meeting. SEC approved the three nominees and forwarded them to the President's Office.
- Mr. Stofferahn announced that the SEC met on February 16 with SBHE President Grant Shaft. He indicated that it was a cordial meeting. The SBHE is under assault and it is important to have good relations with them. The outcome of the meeting was good, with SEC better understanding the efficiencies document and the Legislative concerns.
- Peggy Lucke spoke regarding the safety issues raised at the December Senate meeting. One issue was related to crosswalks on campus. She



indicated that there are several current initiatives regarding crosswalks on University Avenue and the heart of the campus. Ms. Lucke reported that the Grand Forks/East Grand Forks Metropolitan Planning Council will do a study of University Avenue this summer. The study must be done before any recommendations for changes can be made. She stated that there are several other related initiatives, such as: a campus shuttle study; the challenges the campus faces regarding these matters; a recommendation to look at a combined bus/bike lane; and bus schedule and vehicle time conflicts. The Campus Safety Office is looking at implementing crosswalks on campus similar to the one in front of the Facilities building. Mr. Murphy asked about painting the University Avenue crosswalks to make them easier to see. Ms. Lucke said the lack of action is tied to the upcoming study this summer. There were comments about jaywalking and safety. Ms. Lucke indicated that pedestrians have the right of way on campus and Centennial Drive.

5.

Mr. Stofferahn called attention to the minutes of the February 2, 2012 meeting. He asked if there were any corrections; hearing none, the minutes were approved as distributed.

6.

The question period was opened at 4:15 p.m. There were no questions.

7.

Mr. Stofferahn called attention to the annual reports from the Senate Student Academic Standards, Administrative Procedures, and ROTC Committees. Mr. Murphy moved approval to file the reports. Mr. Gerbert seconded the motion and the reports were approved to be filed.

8.

The Curriculum Committee report was presented. Mr. Drechsel, Curriculum Committee representative, was available to answer questions; there were none. Mr. Mochoruk moved to approve the report. There was a second from Mr. Poochigian and the report was approved with a vote of 50 for and 1 abstention.

9.

The Nominations for Senate Committees ballot was presented. Mr. Stofferahn spoke about the importance of the work of the Committee on Committees and the work of all the Senate committees. Mr. Munski, as chair of the Committee on Committees, introduced the committee members and turned matters over to Linda Ray. She described the process for establishing the ballot. She indicated that there were 126 responses for the 45 committees. Mr. Munski described the nomination process and asked for additional nominations from the floor for each committee. Upon completion, Mr. Gerbert moved for the ballot to be closed and for approval of the ballot amendments. Mr. Moen seconded the motion, and the amended ballot was approved with a vote of 54 for and 1 abstention.

10.

Mr. Stofferahn presented the Senate Committee on Data Management and Retention charge. This policy is required by Federal guidelines. He indicated that Barry Milavetz will select the Committee members based on the criteria and SEC will have final approval. When the policy is developed, it will be brought back to Senate to be approved. It was inquired if there is an interim policy and if it could be brought to the Senate. No one was aware of such an interim policy. Mr. Murphy asked if Senate could vote on the appointed members. He moved to amend the charge that the faculty nominated will be chosen by University Senate. The motion was seconded by Mr. Petros. The vote was taken and the amendment was



approved with a vote of 52 for, 1 against, and 1 abstention. Discussion ensued. There was a motion by Ms. Mikulak and a second by Mr. Poochigian to strike the requirement for experience with Federal grants. The amendment was approved with a vote of 51 for and 1 abstention. Mr. Rice moved to amend the charge to include the College of Education and Human Development. There was a second by Mr. Jackson and the motion passed unanimously. Two friendly amendments were accepted: 1) change the number of members to 19; and 2) delete the word "colleges" in the second paragraph. The amendments were approved unanimously. Mr. Stofferahn then called for a vote on the entire amended document as presented to Senate by SEC. The vote was taken and the amended charge was approved unanimously.

11.

Mr. Stofferahn recognized Dexter Perkins, Chair of the Standing Committee on Faculty Rights. Mr. Perkins presented the changes to be made to the language of the Faculty Handbook regarding SCoFR. Mr. Perkins indicated that the SBHE policy was removed since the policy is so readily available on the internet. He discussed the points in the memo describing the changes proposed. He then answered questions. Discussion ensued. Approval of the proposed changes was passed with a vote of 50 for and 2 abstentions.

12.

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

Suzanne Anderson, Secretary  
University Senate



TO: University Senate

FROM: Suzanne Anderson, Chair, Student Academic Standards Committee

DATE: March 1, 2012

RE: 2010-11 Annual Student Academic Standards Committee Report to Senate

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

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

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

Fall 2010-Spring/Summer 2011, members held 13 meetings between the dates of September 22, 2010 and August 18, 2011. Fall 2011 to present, members began meeting on September 20, 2011 and have held 7 meetings to date.

Membership:

Spring, 2010

Tina Anderson  
 Victor Lieberman  
 Mary Riske  
 Michael Wittgraf  
 Bruce DiCristina  
 Sonia Zimmerman  
 Michael Mann - VPAA designee  
 Jordan West - student member  
 Ryan Howard - student member  
 Suzanne Anderson - ex-officio  
 non-voting chair

Fall 2010 & Spring, 2011

Victor Lieberman  
 Janna Schill  
 Peter Schumacher  
 Mary Riske  
 Michael Wittgraf  
 Tina Anderson  
 Michael Mann - VPAA designee  
 Corbin Johnson - student member  
 Position not filled - student  
 member  
 Suzanne Anderson - ex-officio  
 non-voting chair

STUDENT ACADEMIC STANDARDS COMMITTEE SUMMARY REPORT FOR 2010-11:

A. Students suspended:

1. Suspended after Spring Semester 2011 (1130)	305
2. Suspended after Summer Session 2011 (1140)	21
3. Suspended after Fall Semester 2010 (1110)	<u>167</u>
Total suspended for year	493

B. Students dismissed:

1. Dismissed after Spring Semester 2011 (1130)	19
2. Dismissed after Summer Session 2011 (1140)	21
3. Dismissed after Fall Semester 2010 (1110)	<u>19</u>
Total dismissed for year	45

Annual SASC Report to Senate - Page 2  
 March 1, 2012

C. Students reinstated by Deans

1. Reinstated Spring Semester 2011 (1130)	112
2. Reinstated Summer Session 2011 (1140)	26
3. Reinstated Fall Semester 2010 (1110)	<u>150</u>
Total reinstatements by Dean for the year	288

D. Requests for Reinstatement by Committee

1. Approved	16
2. Denied	11
3. No Action	0

E. Academic Grievance Reviews

2

F. Students Admitted for Spring Semester 2011

Freshmen:

1. Admitted as Exceptions	4
2. Admitted as Exemptions (not meeting HS core)	7
3. Denied	<u>13</u>
	24

Transfers (with fewer than 24 transferable credits):

1. Admitted as Exceptions	10
2. Admitted as Exemptions (not meeting HS core)	4
3. Denied	<u>6</u>
	20

G. Students Admitted for Fall Semester 2010

Freshman:

1. Admitted as Exceptions	101
2. Admitted as Exemptions (not meeting HS core)	92
3. Denied	<u>110</u>
	303

Transfer (with fewer than 24 transferable credits):

1. Admitted as Exceptions	20
2. Admitted as Exemptions (not meeting HS core)	16
3. Denied	<u>12</u>
	48



Page 2

B. Personal re-considerations after denials: 2 Approved, 8 Denied

C. Referred for additional information: 11

IV. A. Spring 2011 (1130) grade changes approved administratively by the Office of the Registrar for the Administrative Procedures Committee.

College of Arts and Sciences	26
School of Engineering and Mines	0
School of Law	3
College of Nursing	0
College of Business & Public Administration	12
Graduate School	0
School of Medicine	1
Center for Aerospace Sciences	11
College of Education and Human Development	5
Military Science	<u>0</u>
	58

B. Fall 2010 (1110) grade changes approved administratively by the Office of the Registrar for the Administrative Procedures Committee.

College of Arts and Sciences	14
School of Engineering and Mines	1
School of Law	0
College of Nursing	0
College of Business & Public Administration	7
Graduate School	0
School of Medicine	0
Center for Aerospace Sciences	2
College of Education & Human Development	3
Other (Military Science, Honors)	<u>0</u>
	27

C. Summer 2010 (1040) grade changes approved administratively by the Office of the Registrar for the Administrative Procedures Committee.

College of Arts and Sciences	11
School of Engineering and Mines	0
School of Law	0
College of Nursing	0
College of Business & Public Administration	1
Graduate School	0
School of Medicine	2
Center for Aerospace Sciences	1
College of Education & Human Development	3
Other (Military Science, Honors)	<u>0</u>
	18

University of North Dakota  
Senate ROTC Committee  
Report of Activities

- D. Spring 2010 (1030) grade changes approved administratively by the Office of the Registrar for the Administrative Procedures Committee.

	College of Arts & Sciences	64
Chair, Dr.	School of Engineering & Mines	5
	School of Law	0
	College of Nursing	1
Members	College of Business & Public Administration	10
	Graduate School	0
Albert Von	School of Medicine	5
Olaf Berntson	Center for Aerospace Sciences	13
Janis M	College of Education & Human Development	10
	Other (Military Science, Honors)	0
		108

Accomplishments and Issues 2011

The committee governed a budget of \$100,000 during the 2010-2011 academic calendar year.

Business completed during the year include:

Reviewed all ROTC cases. All approved.

AROTC: Eighteen cadets were commissioned this year. Seven cadets successfully completed summer field training located at Maxwell AFB, AL. During the rated officer selection board, 100% of cadets were 5 & 6 in their first choice of either Pilot, Combat Systems Officer, or Air Battle Manager. In addition, two of the cadets selected for the Army Special Forces Jet Pilot Training program—probably the best place to make for a second year cadet. This is truly an honor as only 40 cadets were chosen nation-wide. Another cadet received a coveted Ramjet Pilot Aircraft slot—only 4% of which were available nation-wide. The AROTC Honor Guard placed 1st in a region-wide competition.

AROTC: Cadet Pete J. Schaub was ranked third on the Army ROTC Order of Merit list, and other students were ranked among the top 100. Cadet completed 185 cadet Army ROTC



**University of North Dakota**  
**Senate ROTC Committee**  
**Report of Activities**  
**2011 Calendar Year (Submitted February 2012)**

**Membership 2011-2012**

Chair: David J. Whalen, Associate Professor of Space Studies (2013)

Members:

*Faculty*

Albert Berger, Associate Professor of History (2014)

Olaf Berwald, Associate Professor of Languages (2013)

Laurie McHenry, Catalog Librarian, Law Library (2014)

Donna Pearson, Associate Professor of Teaching & Learning (2012)

Thad Rosenberger, Associate Professor of Pharmacology, ... (2012)

*Student*

Austin Feltman, Senior, Nursing (2012)

Josh Kappel, Graduate Student, Business Administration (2012)

*Designee of President*

Sean Valentine, Professor, Management

*ROTC Cadre*

Curtis Hunt, LtCol USAF, AFROTC CO ex officio

Josh Sauls, LtCol USA, AROTC CO ex officio

**Accomplishments and Issues 2011**

The committee convened a total of X times during the 2010-2011 academic calendar year.

Business completed during these meeting include:

Evaluation of new Cadre: All Approved

AFROTC: Eighteen cadets were commissioned this year. Seven cadets successfully completed summer field training located at Maxwell AFB, AL. During the rated officer selection board, UND cadets were 8/8 in their first choice of either Pilot, Combat Systems Officer, or Air Battle Manager. In addition, two of these were selected for the Euro NATO Joint Jet Pilot Training program—probably the best place to train for a seat in a fighter jet. This is truly an honor as only 40 cadets were chosen nation-wide. Another cadet received a coveted Remotely Piloted Aircraft slot—only 48 of which were available nation-wide. The AFROTC Honor Guard placed 2<sup>nd</sup> in a region-wide competition.

AROTC: Andrew Pete Fish of UND ranked third on the Army ROTC Order of Merit List; two other students were ranked among the top 100. Fall enrollment: 188 cadets! Army ROTC

received a \$144,880 grant from James Bushaw—matched by UND Foundation Challenge grant of \$48,290.

Training facilities: There has been a dearth of Physical training facilities for several years; this manifests itself particularly in the cold weather, when indoor venues are required. There have been several workarounds devised with the support of the Alerus Center and the Wellness Center, but many of these cost money and the location has changed every year.

UND Funding: Defense Department funding is going down and this is reflected in both Army and Air Force ROTC funding. Some universities provide supplemental funding to ROTC organizations. The committee in conjunction with both the Army and Air Force cadre will continue to seek out opportunities to help support our programs so to maintain our long-standing tradition of success as well as strengthen student recruiting efforts.

### 2012 Plans

The Committee will review the ROTC curriculum in 2012—an even-numbered year—as per the committee web page list of responsibilities.

- > Biology 120
- > Counseling 521
- > English 95
- > English 100
- > Master of Public Health 504
- > Master of Public Health 509
- > Master of Public Health 510
- > Master of Public Health 520
- > Master of Public Health 550
- > Master of Public Health 560
- > Master of Public Health 565
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- > Master of Public Health 593
- > Master of Public Health 594
- > Master of Public Health 595
- > Master of Public Health 596
- > Master of Public Health 597
- > Master of Public Health 598
- > Master of Public Health 599
- > Political Science 399
- > Technology 520
- > Technology 580
- > Technology 570

#### IV. Course Deletions

- > Computer Science 448 – Deleted
- > Technology 540
- > Technology 550
- > Technology 560



**University Curriculum Committee Report  
February 2012**

- I. New Courses with New Program**
- Bachelor of Science in Aerospace and Mechanical Engineering – New Program with Encumbered Degree
  - AME 301 – New course
  - AME 446 – New course
  - AME 466 – New course
  - SpSt 406 – New course
  - SpSt 407 – New course
  - SpSt 408 – New course
  - SpSt 441 – New course
- II. Title Change**
- “Community Agency Emphasis” to “Community Mental Health Emphasis”
- III. New Courses**
- Biology 120
  - Counseling 520
  - English 95
  - English 100
  - Master of Public Health 500
  - Master of Public Health 504
  - Master of Public Health 510
  - Master of Public Health 520
  - Master of Public Health 531
  - Master of Public Health 541
  - Master of Public Health 543
  - Master of Public Health 551
  - Master of Public Health 590
  - Master of Public Health 594
  - Master of Public Health 995
  - Political Science 599
  - Technology 520
  - Technology 530
  - Technology 570
- IV. Course Deletions**
- Computer Science 448 – **Denied**
  - Technology 540
  - Technology 550
  - Technology 560

**Senate approval is not required for the following report items.**

**V. Program Changes**

- *Game Development and Computer Animation Specialization*: **Denied** request to replace required elective undergraduate course CSCI 448 with graduate course CSCI 546.
- *Bachelor of Science with Major in Biology (including Pre-Health Sciences Emphasis)*: Add new course, Biology 120, to core requirements; increase in core requirement credits from 23 to 24 and increase in major credits from 43 to 44.
- *Elementary Education*: Increase the list of History course options to include History 104 and 220.
- *Major in Physical Education, Exercise Science & Wellness*: The delivery for the "Senior Teaching Seminar" will be changed to an online format; PXW 491 – increase in credits from 1 to 3.  
*Option C (Exercise Science & Wellness Applications)*: Required course, PXW 497 - change in credits from 4-10 variable to 10 fixed credits; delete elective course PXW 207-207L.
- *Master of Arts in Counseling*: Add new required course, Counseling 520; increase in credits from 35 to 38 for degree requirements in the combined program with a rehabilitation emphasis; change the title of "Community Agency Emphasis" to "Community Mental Health Emphasis".
- *Master of Public Administration*: Add new required course, POLS 599; Degree requirement - increase in minimum credits from 35 to 36.
- *Master of Public Health Degree*: Specialization tracks decreased from five to three; revised required core coursework- ten credits from UND with course prefix MPH followed by 500 series & ten credits from NDSU with course prefix MPH followed by 700 series with the same final two digits; credits reduced from 21 to 20.
- *Master of Science in Technology*: Admission requirement – add "Graphic Design Technology" major and delete "Technology Education" major; degree requirements – add new courses TECH 520, TECH 530, TECH 570 and delete required course TECH 550, elective courses TECH 560 & TECH 540; increase credits from two to three along with title change for course TECH 510.

**VI. Course Changes**

- *CSci 546* – **Denied**
- *CSci 242* – Terms offered, adding fall
- *CSci 384* – Terms offered, change from fall to spring
- *CSci 397* – Prerequisites, adding "Declared Computer Science major with" and removing "in addition to standard co-op requirements"; course description language change.



Nominations for Senate Committees  
Committee on Committees - March 2012

For information only, official ballot will be distributed at meeting

Course Changes, continued

- PXW 491 – Increase in credits from one to three.
- PXW 497 – Change in credits from variable 4-10 to 10 fixed credits; Prerequisites – add “Consent of instructor, upper division status, and current First Aid/CPR certification”; course description language changes; terms offered, add summer.
- RELS 480 – course description language changes; terms offered, change from spring to fall.
- TECH 510 – Title change to “Effects and Implications of Technology”; increase in credits from two to three.

Course	Term	Instructor	Term	Instructor
<b>Elect 1 unit 2013</b>				
M. Kasper (PAA)	2013	Mary Ann Kasper	2013	
M. Casper (SEM)	2013	Mary Ann Kasper	2013	
K. McLaughlin (AA)	2014	Mary Ann Kasper	2014	
J. P. (H)	2014			
<b>Elect 2 unit 2013</b>				
C. Hovick (END)	2013	Chris Hovick	2013	
T. Hovick (END)	2014			
D. Murrell (AS)	2014			
K. Murrell (CH)	2014			
<b>Elect 3 unit 2013</b>				
D. Murrell (AS)	2013	Jan Gougeon	2013	
H. Gougeon (SEM)	2013	Jan Gougeon	2013	
A. Gougeon (AS)	2013	Tracy Gougeon	2013	
R. M. Gougeon (SEM)	2013			
T. Petros (AS)	2014			
E. Gougeon (AS)	2014			
D. Murrell (SEM)	2014			
<b>Elect 4 unit 2013</b>				
J. Hovick (SEM)	2013	Paul Tschopp	2013	
K. Tschopp (H)	2013	Richard Tschopp	2013	
C. Hovick (END)	2014	Judy Hovick	2014	
M. Casper (SEM)	2014			
<b>Elect 5 unit 2013</b>				
P. Sailer (AS)	2013	Pete Sailer	2013	
J. Goodwin (H)	2013	Ryan Zer	2013	
M. Zschal (SEM)	2014	Lynn Marie	2014	
P. Sailer (SPA)	2014	Sherry Farnsworth	2014	

Nominations for Senate Committees  
Committee on Committees - March 2012  
**For Information only: official ballot will be distributed at meeting**

COMMITTEE	CONTINUING MEMBERS	TERM EXPIRES (FALL)	NOMINEES	TERM EXPIRES	VOTE
<b>1. Academic Policies &amp; Admissions Committee</b>			<b>Elect 1 until 2015</b>		
	A. Boyd (A&S)	2013	Bruce DiCristina - A&S	2015	_____
	S. Zimmerman (MED)	2013	Michael Flynn - A&S	2015	_____
	P. Drechsel (JDO)	2014	Matthew Cavalli - SEM	2015	_____
	S. Takahashi (A&S)	2014		2015	_____
<b>2. Administrative Procedures</b>			<b>Elect 2 until 2014</b>		
	H. Broedel (A&S)	2013	Timothy Schroeder - EHD	2014	_____
	J. Haselton (MED)	2013	Daniel Malott - JDO	2014	_____
	P. Sum (BPA)	2013	Gary Towne - A&S	2014	_____
				2014	_____
<b>3. Budget, Restructuring and Reallocation</b>			<b>Elect 2 until 2015</b>		
	M. Meyer (A&S)	2013	Mary Askim-Lovseth - BPA	2015	_____
	M. Cavalli (SEM)	2013	Bradley Myers - LAW	2015	_____
	K. McLennan (A&S)	2014	Li-ChunTung - A&S	2015	_____
	J. Sun (EHD)	2014		2015	_____
<b>4. Compensation</b>			<b>Elect 1 until 2013 &amp; 1 until 2015 (1 Non-Tenured &amp; 1 Tenure-Track)</b>		
	S. Houdek (EHD) (T)	2013	Linda Ray - MED (NT)	2013/15	_____
		2013		2013/15	_____
	T. Heitkamp (EHD) (T)	2014		2013/15	_____
	D. Munki (A&S) (T)	2014		2013/15	_____
	K. Smart (EHD) (T)	2014		2013/15	_____
<b>5. Conflict of Interest/Scientific Misconduct</b>			<b>Elect 3 until 2015 (1 LAW, 1 BPA, 1 NUR)</b>		
	G. Ullrich (JDO)	2013	Jan Stone - LAW	2015	_____
	H. Salehfar (SEM)	2013	Steven Carlson - BPA	2015	_____
	A. White (EHD)	2013	Tracy Evanson - NUR	2015	_____
	R. McBride (MED)	2013		2015	_____
	T. Petros (A&S - N/SS)	2014		2015	_____
	E. Cherry (A&S - H/FA)	2014		2015	_____
	D. Bradley (MED)	2014		2015	_____
<b>6. Continuing Education</b>			<b>Elect 2 until 2015</b>		
	J. Haselton (MED)	2013	Paul Todhunter - A&S	2015	_____
	K. Smart (EHD)	2013	Richard Fiordo - A&S	2015	_____
	C. Barkdull (EHD)	2014	Jody Ralph - NUR	2015	_____
	M. Cavalli (SEM)	2014		2015	_____
<b>7. Curriculum</b>			<b>Elect 1 until 2013 (EHD) &amp; 2 until 2015 (1 JDO &amp; 1 A&amp;S)</b>		
		2013	Peter Schumacher - A&S	2013/15	_____
	F. Sailer (MED)	2013	Ryan Zerr - A&S	2013/15	_____
	J. Goodwin (NUR)	2013	Leslie Martin - JDO	2013/15	_____
	M. Zahui (SEM)	2014	Sherrie Fleshman - A&S	2013/15	_____
	P. Simlai (BPA)	2014		2013/15	_____







COMMITTEE	CONTINUING MEMBERS	TERM EXPIRES FALL OF	NOMINEES	TERM EXPIRES	VOTE
<b>14. Legislative Affairs</b>		<b>Elect 1 until 2016</b>			
	C. Hosford (MED)	2013	Julia Ernst - LAW	2016	_____
	A. Phillips (EHD)	2014	Sherryl Houdek - EHD	2016	_____
	J. Fershee (LAW)	2015	_____	2016	_____
	CCF Representative				
<b>15. Library</b>		<b>Elect 3 until 2015 (1 A&amp;S, 1 LAW &amp; 1 ANY)</b>			
	M. Zahui (SEM)	2013	Enru Wang - A&S	2015	_____
	R. Wilsnack (MED)	2013	Bradley K Myers -LAW	2015	_____
	S. Hunter (NUR)	2013	Mark Askelson - JDO	2015	_____
	M. Baker (EHD)	2014	Lana Rakow - A&S	2015	_____
	M. Notbohm (BPA)	2014	Kimberly Donehower-Weinstein-A&S	2015	_____
	X. Zhang (JDO)	2014	Jan Stone - LAW	2015	_____
<b>16. ROTC</b>		<b>Elect 2 until 2015</b>			
	D. Whalen (JDO)	2013	Thad Rosenberger - MED	2015	_____
	O. Berwald (A&S)	2013	Randall Nedegaard -EHD	2015	_____
	A. Berger (A&S)	2014	Eric Murphy - MED	2015	_____
	L. McHenry (LAW)	2014	_____	2015	_____
<b>17. Scholarly Activities</b>		<b>Elect 3 until 2015 (1 BPA, 1 EHD &amp; 1 MED)</b>			
	C. Staples (A&S)	2013	Susan Kuntz - MED	2015	_____
	H. Abrahamson (A&S)	2013	Marcus Weaver-Hightower - EHD	2015	_____
	C. Anderson (NUR)	2013	Steven Carlson - BPA	2015	_____
	S. Laguette (JDO)	2014	Barbara Combs - EHD	2015	_____
	S. Noghianian (SEM)	2014	Cindy Juntunen - EHD	2015	_____
	R. Runge (LAW)	2014	_____	2015	_____
<b>18. Student Academic Standards</b>		<b>Elect 2 until 2015</b>			
	P. Schumacher (JDO)	2013	Craig Carlson - JDO	2015	_____
	J. Schill (MED)	2013	Timothy Prescott - A&S	2015	_____
	A. Quinn (EHD)	2014	Sarah Edwards - EHD	2015	_____
	D. Munski (A&S)	2014	Sebastian Braun - A&S	2015	_____
				2015	_____
<b>19. Student Policy</b>		<b>Elect 1 until 2013 &amp; 1 until 2015</b>			
	E. DeLorme (MED)	2013	Victor Lieberman - LIBR	2013/15	_____
		2013	Leslie Martin - JDO	2013/15	_____
	S. Pyle (Honors)	2014	Douglas Munski - A&S	2013/15	_____
	G. Ullrich (JDO)	2014	_____	2013/15	_____
<b>20. Summer Session</b>		<b>Elect 2 until 2015</b>			
	W. Hume (A&S)	2013	Douglas Munski - A&S	2015	_____
	M. Guy (EHD)	2013	David Hollingworth - BPA	2015	_____
	S. Houdek (EHD)	2014	Linda Shanta - NUR	2015	_____
	Z. Zeng (SEM)	2014	_____	2015	_____
<b>21. University Assessment</b>		<b>Elect 3 until 2015 (1 BPA, 1 EHD &amp; 1 MED)</b>			
	K. Minnotte (A&S)	2013	Deborah Worley - EHD	2015	_____
	E. Johnson (LAW)	2013	Barbara Combs - EHD	2015	_____
	R. Hurley (NUR)	2013	Mary Askim-Lovseth - BPA	2015	_____
	P. Drechsel (JDO)	2014	Ann Flower - MED	2015	_____
	S. Jerath (SEM)	2014	_____	2015	_____



## Senate Committee for data management and retention policy

**Purpose:** To formulate a campus wide policy on data management and retention consistent with the requirements of Federal agencies, State Board, and Institutional requirements.

**Membership:** Associate Vice President for Research Compliance, Associate Vice President for Research, Intellectual Properties, Assistant Vice President for Research, Grants and Contracts, a representative from the Office of General Counsel, two representatives from each the following colleges with an emphasis on experience with Federal grants: Arts and Sciences, Engineering and Mines, Medical School and Health Sciences, Nursing, EERC, and Aerospace. This will be a total of 16 members.

**Terms:** This will be an ad hoc committee serving only to formulate this specific policy.

**Selection:** The faculty will be chosen by the Senate Executive committee from a list generated by the Division of Research.

**Responsibilities:** The committee will be charged with developing a policy on data management and retention that is consistent with Federal, State, State board, and Institutional requirements.

**Guiding Principles:** the committee will follow Federal guidelines with modifications specific to the requirements of State Board and Institutional policy.

**Reporting:** The Committee will report to the Senate.

**Source of Information:** <http://www.nsf.gov/bfa/dias/policy/dmp.jsp>

**Proposed Changes to the Faculty Handbook**  
**Deter Perkins, Chair, Standing Committee on Faculty Rights**  
**February 2012**

The Standing Committee on Faculty Rights (SCoFR) has reviewed the section of the Faculty Handbook that describes Faculty appeals to SCoFR and SCoFR functions. We found many problems with clarity and consistency and, so, have rewritten it.

We have not made any major substantive changes but we have made it more readable and more clearly focused on what occurs at UND.

What did we change?

1. The most significant change we propose is to eliminate many/most lengthy quotes of State Board of Higher Education Policy (SBHE Policy) that are included in the Handbook.

Much that is in the Faculty Handbook (Section II-8.1.2 through II-8.1.5) derives from SBHE Policy, and the current version of the Handbook includes SBHE Policy language verbatim. Interspersed are paragraphs that describe "implementation at UND." This back and forth organization makes it difficult to follow and navigate the handbook. Additionally:

- Much of the "implementation at UND" language is identical to SBHE Policy and there is no reason to include it twice.
- The "implementation at UND" always is consistent with SBHE Policy but is usual more restrictive and better explained.
- SBHE Policy is easily accessed via the internet.
- SBHE Policy may, and does change, rendering the Handbook out of date.

So, we eliminated much unnecessary text, shortening the Handbook significantly and making it more readable and navigable. In a few places we reordered sections or added a few segues that we deemed to be necessary.

In our rewritten version, we provide many references to the relevant sections of SBHE Policy, and hope that they will become hot links, so that anyone who wants to can access the Policy with ease. (Even if the links are not possible, finding the policy is simple.)

2. For the most part we kept the same wording that is in the current version of the Faculty Handbook. We added some clarifying language where it seemed needed. We also fixed grammar and syntax, made terminology consistent, corrected spelling, etc. We did not change the content with just a few exceptions (noted below), and none of the content changes were major.

3. The Handbook includes many deadlines (e.g., "... within 20 days.") but some of the deadlines refer to bushiness days, some to calendar days, and some do not specify. For consistency, we changed all to business days.



4. In the section on sanctions, we added language (lines 220-222) specifying that sanctions may not be implemented during the 20-day period that a faculty member has the right to appeal them. This was implied in the existing language but not spelled out.
5. We added a significant amount of detail to the description of SCoFR hearings and reviews so that all involved would know the procedure that we follow (lines 246-392).
6. At the conclusion of a hearing/review SCoFR writes a report that is then forwarded to the President and to the principals. We added language describing what can be included in the report (lines 369-382) – no such language is included in the current handbook.

1 Draft 14  
2 February 2, 2011

3  
4 Proposed revised language for Section II-8.1.2 through II-8.1.5

5  
6 **II-8.1.2 Faculty Grievances and Appeals**

7  
8 The University of North Dakota (UND/University) strives to provide a positive  
9 employment environment for its faculty. An important part of this environment is the  
10 adoption of fair and clear procedures for handling and resolving faculty grievances  
11 involving loss of employment, some contractual obligations, and other related  
12 matters.

13  
14 In some circumstances, faculty may wish to appeal a University action. The following  
15 sections of the UND Faculty Handbook (Handbook) describe when such appeals are  
16 permitted, and how the appeals are handled at UND, consistent with the North Dakota  
17 State Board of Higher Education (SBHE) Policy.

18  
19 Included here is the most salient and broadly applicable information regarding faculty  
20 grievances and how SBHE state policy is implemented at UND. For further  
21 information, faculty are advised to consult the following sections of the SBHE policy:

- 22 Section 605.1 - Academic Freedom and Tenure; Academic Appointments  
23 Section 605.2 - Standing Committee on Faculty Rights  
24 Section 605.3 - Nonrenewal, Termination or Dismissal of Faculty  
25 Section 605.4 - Hearings and Appeals  
26 Section 605.5 - Mediation  
27 Section 612 - Faculty Grievances

28  
29 **II-8.1.3 Different Kinds of Grievances**

30  
31 The policies of the SBHE distinguish between two types of faculty employment  
32 grievances that may be appealed. These are described in sections 605 and 612 of  
33 SBHE Policy and are summarized here and described in more detail in following  
34 sections.

35  
36 a. 605 Grievances

37 Appeals resulting from the UND's decision to dismiss or terminate a faculty  
38 member, or not to offer a new contract after an appointment has expired, or  
39 to sanction a faculty member are heard by the Standing Committee on Faculty  
40 Rights (SCoFR). Such hearings are sometimes referred to as *605 grievances*, in  
41 reference to the relevant section of the SBHE policies. A faculty member may  
42 request a hearing with SCoFR if the faculty member feels UND has made an



43 inappropriate decision regarding dismissal, termination, nonrenewal, or  
44 sanctions. SCoFR will hear the matter, accepting evidence and soliciting input  
45 as needed, and will make a recommendation to the President. The President  
46 can concur or reject the SCoFR recommendations. The decision of the President  
47 is final.

48  
49 In addition to the procedures and requirements described below, the  
50 procedures for resolving 605 complaints are governed by SBHE Policy Sections  
51 605.3 and 605.4.

#### 52 53 b. 612 Grievances

54 According to SBHE policy, other (non-605) faculty grievances may include an  
55 “allegation of a violation of a specific Board or UND policy, procedure or  
56 practice pertaining to the employment relationship” including the terms of the  
57 grievant’s employment contract. Such allegations are sometimes referred to as  
58 *612 grievances*, in reference to the relevant section of the SBHE policies.  
59 These grievances are initiated by a request to the Senate Chair to mediate a  
60 concern. If the mediation does not resolve the concern, the faculty member  
61 has five (5) business days to produce the written grievance and documentation  
62 supporting the grievance and to ask the Senate Chair to form a Special Review  
63 Committee (SRC). Ultimately, the SRC’s recommendation is submitted to the  
64 President. The decision of the President is final.

65  
66 A faculty member may not file a 612 grievance regarding dismissal,  
67 termination, suspension, nonrenewal, or sanctions of the faculty member.

68  
69 For more information about 612 grievances and the process that is followed,  
70 see section III-2 of this Handbook.

#### 71 72 II-8.1.4 Standing Committee on Faculty Rights (SCoFR)

73  
74 Section 605.2 of SBHE Policy discusses the Standing Committee on Faculty Rights.

75  
76 SBHE Policy requires the University to have a Standing Committee on Faculty Rights  
77 (SCoFR/Committee). SCoFR consists of five tenured faculty members, elected one per  
78 year for staggered 5-year terms, by the University Council. The longest serving  
79 member chairs SCoFR. A quorum consists of three members.

#### 80 81 II-8.1.5 Special Review Committee (SRC)

82  
83 The University has a SRC pool to provide faculty representatives to investigate faculty  
84 grievances pursuant to SBHE Policy Section 612. Thirty tenured faculty are elected



85 for 1-year terms by the University Council. When needed, a SRC consisting of three  
86 members is selected from the pool by the Senate Chair. A member of SCoFR is not  
87 eligible for the SRC pool. The procedures regarding 612 grievances are found in  
88 section III-2 of the Handbook.

#### 89 90 **II-8.1.6 Decisions to Dismiss, Terminate, Nonrenew, or Sanction Faculty**

91  
92 For more general information regarding dismissals, terminations, nonrenewals, and  
93 sanctions, see SBHE Policy 605.3.

94  
95 Notification of dismissal, termination, nonrenewal or sanction must be made to a  
96 faculty member consistent with the procedures described in Section 605.3 of SBHE  
97 Policy. Section 605.3 describes many potentially applicable details and policies, only  
98 some of which are summarized below.

99  
100 A probationary appointment may be terminated, without cause, with notice to the  
101 faculty member that the appointment will not be renewed. In contrast, because a  
102 special appointment ends at the end of the contract term and is offered again at the  
103 discretion of the University, no notice is required.

104  
105 Notice to the faculty member may be achieved by any of the following methods:  
106 certified mail; placement in the office mailbox; or hand delivered to the faculty  
107 member. E-mail is an insufficient means of notification. Date of notification is the  
108 date on which the faculty member was presented with the letter in person; it was  
109 delivered to the office mailbox; or when received by certified mail, whichever receipt  
110 is earliest.

#### 111 112 113 **II-8.1.7 Dismissal Without Cause**

114  
115 For more general information regarding dismissals without cause, see SBHE Policy  
116 Section 605.3.

117  
118 A probationary appointment may be terminated, without cause, with notice to the  
119 faculty member that the appointment will not be renewed (SBHE Policy Section  
120 605.3). The faculty member may within ten (10) *business* days after receipt of the  
121 notice request reconsideration by the deciding body or individual. The University  
122 shall respond in writing to the faculty member within ten (10) *business* days after  
123 receipt of the request for reconsideration. The faculty member may incorporate a  
124 request for mediation in the request for reconsideration. Mediation must be agreed  
125 upon by both the faculty member and the University.  
126



127 A faculty member who receives a notice of termination of a probationary appointment  
128 or a faculty member on a special appointment who does not receive an offer of a new  
129 contract may request review of the decision and a hearing by SCoFR according to  
130 procedures described below.

131  
132 The request for review may be based upon allegations that the University failed to  
133 comply with applicable policies or gave the decision inadequate consideration, or that  
134 the nonrenewal decision violated academic freedom, rights guaranteed under the  
135 United States Constitution, or that the University violated the terms of the faculty  
136 member's employment contract or other written agreement. SCoFR will consider any  
137 allegation that the faculty member submits in the appeal of the nonrenewal as long as  
138 their appeal is specific to the criteria above and is accompanied by a summary of the  
139 supporting evidence. It is not SCoFR's responsibility to seek out the evidence. It is  
140 the faculty member's responsibility to prove that the University did something wrong.

141  
142 The grievant should clearly explain the basis of the appeal. Not all appeals are  
143 permitted. For example, proof that the grievant was doing excellent work and  
144 performing their responsibilities in exemplary fashion is not generally a basis for  
145 appeal. Excellent performance of the grievant's responsibilities would only prevent a  
146 nonrenewal if the University had expressly promised, in writing, to renew their  
147 contract if performance was excellent.

148  
149 SCoFR has a responsibility to determine whether a grievance pertains to certain  
150 protected rights under its purview. Once proceedings are brought before SCoFR under  
151 this section, the grievant has the burden to prove to SCoFR, by a preponderance of  
152 the evidence, that the grievant's applicable rights have been violated. SCoFR  
153 determines the level of specification and adequacy of the evidence presented.

#### 154 155 **II-8.1.8 Dismissal for Adequate Cause**

156  
157 SBHE Policy Section 605.3, paragraph 8, discusses dismissal for adequate cause.

158  
159 The University may dismiss a faculty member at any time for "adequate cause." SBHE  
160 Policy specifies that:

161 Adequate cause means: (a) demonstrated incompetence or dishonesty in  
162 teaching, research, or other professional activity related to University of North  
163 Dakota responsibilities, (b) continued or repeated unsatisfactory performance  
164 evaluations and failure to respond in a satisfactory manner to a recommended  
165 plan for improvement; (c) substantial and manifest neglect of duty, (d) conduct  
166 which substantially impairs the individual's fulfillment of their employment  
167 responsibilities or the employment responsibilities of others, (e) a physical or  
168 mental inability to perform assigned duties, provided that such action is



169 or to consistent with laws prohibiting discrimination based upon disability, or (f)  
170 in No significant or continued violations of Board policy or institutional policy,  
171 under provided that for violations of institutional policy the institution must notify  
172 the faculty member in advance in writing that violation would constitute  
173 if the grounds for dismissal, or the applicable institutional policy must provide  
174 record specifically for dismissal. review by SCoFR

175  
176 The University's notice of intent to dismiss must specify the grounds for dismissal and  
177 must be delivered to the faculty member and the Vice President for Academic Affairs  
178 and Provost (Provost). A grievant may request a hearing before SCoFR within twenty  
179 (20) *business* days of receiving notice of the University's intent to dismiss for  
180 adequate cause according to procedures described below. No effect.

181  
182 If the grievant does not make a timely request for a hearing, the dismissal process will  
183 continue. The Provost will forward all relevant information to the President who,  
184 upon receipt of the recommendation to dismiss, shall make a decision and provide  
185 written notice and reasons for the action to the faculty member within ten (10)  
186 *business* days of receipt of the recommendation from the provost.

187  
188 Pending a final decision on dismissal for adequate cause, the faculty member may be  
189 suspended by the Provost or assigned to other duties in lieu of suspension, if it is  
190 reasonably determined that it is in the best interests of the faculty member or the  
191 University to do so. The faculty member's salary and fringe benefits shall continue  
192 during a period of suspension. Salary and benefits shall be terminated upon a final  
193 decision by the President to dismiss the faculty member following conclusion of  
194 proceedings at the University. or that purpose and submit a written report within

#### 195 196 **II-8.1.9 Sanctions**

197  
198 SBHE Policy Section 605.3, paragraph 9, describes sanctions. report and

199  
200 If the administration determines that the conduct of a faculty member, although not  
201 constituting ground for termination or dismissal, provides reasonable cause for  
202 imposition of a sanction, the administration shall inform the faculty member in  
203 writing of the sanction and the reasons for the sanction. A sanction means demotion,  
204 suspension (but not including suspension pending a dismissal or termination decision),  
205 salary reduction or loss of salary, or restriction or loss of privileges imposed as a  
206 formal disciplinary measure.

207 SBHE Policy Section 605.4 contains specific rules and procedures that govern hearings  
208 A sanction does not include implementation of an improvement plan or performance  
209 action plan or negative comments in a performance review, letter of reprimand or  
210 other document placed in a personnel file; rights to respond to a performance review



211 or to a letter of reprimand or other document placed in a personnel file are set forth  
212 in North Dakota Century Code § 54-06-21 and UND grievance procedures adopted  
213 under SBHE Policy Section 612.

214  
215 If the sanction is imposed following a hearing by SCoFR, and based on the hearing  
216 record, there may be no further review by SCoFR.

217  
218 If the sanction is imposed without a hearing by SCoFR, it may be appealed to SCoFR.

219  
220 Sanctions may not be implemented until twenty (20) *business* days after the faculty  
221 member has been informed in writing of the proposed sanctions, providing the faculty  
222 member a window to appeal the sanctions before they go into effect.

223  
224 The faculty member may request review of the sanction by filing with the Provost and  
225 SCoFR Chair a request for review and specifications of reasons for the review within  
226 twenty (20) *business* days of receipt of notice sanction. The University shall have  
227 twenty (20) *business* days following receipt of the request for review to file a  
228 response.

229  
230 Upon filing of a request for review pursuant to this subsection, imposition of sanctions  
231 shall be suspended pending a final decision of the President following the report and  
232 recommendation of SCoFR.

233  
234 In all cases, if a sanction is appealed to SCoFR, the requirements and process are the  
235 same as for any other appeal to SCoFR. SCoFR shall review the matter according to  
236 procedures established at UND for that purpose and issue a written report within  
237 twenty (20) *business* days of receipt of the University's response and may make a  
238 recommendation to resolve the dispute, stating its reasons. The University shall make  
239 its final decision upon reconsideration and provide written notice of that decision to  
240 the grievant within ten (10) *business* days of receipt of the report and  
241 recommendation of SCoFR.

242  
243 For more general information, timelines, and requirements regarding dismissals for  
244 adequate cause, see SBHE Policy Section 605.3.

#### 245 246 **II-8.1.10 Hearings and Appeals Related to Dismissal, Termination, Nonrenewal, or** 247 **Sanction of a Faculty Member**

248  
249 SBHE Policy Section 605.4 contains specific rules and procedures that govern hearings  
250 by SCoFR. Implementation at the University is described below.

#### 251 252 Preliminary Process



253  
254 A faculty member may appeal dismissal, termination, nonrenewal, or sanction by  
255 filing written notice with the person who informed them of the dismissal, termination,  
256 nonrenewal, or sanction, and the SCoFR Chair. The faculty member must also provide  
257 written notice to the Provost.

258  
259 The request for review must be accompanied by a detailed specification of the  
260 reasons or grounds on which the grievance is based and supporting documents. The  
261 grievant will also identify whether he or she has a representative and, if so, indicate  
262 whether the release of information should be to that representative or the grievant.  
263 The faculty member must indicate when the grievance is filed whether an attorney  
264 will be representing the faculty member.

265  
266 At the time the grievance is submitted to the SCoFR Chair, the grievant must request  
267 either a hearing or stipulate to a decision on the basis of written statements only  
268 (i.e., a paper review). Both parties must agree to a paper review or there will be a  
269 full hearing.

270  
271 The request for review must be made within twenty (20) *business* days after receipt  
272 of notice of dismissal, termination, nonrenewal, or sanction. If the faculty member  
273 requests reconsideration or the parties agree to mediation, the request for review  
274 must be made within twenty (20) *business* days of receipt of the results of the  
275 reconsideration or conclusion of mediation. See section II-8-1.12, for more  
276 information about mediation.

277  
278 The grievant must deliver to the SCoFR Chair, a minimum of eight copies of the  
279 grievance. Five copies will be distributed to SCoFR members, one for the hearing  
280 officer, one copy will be given to each person against whom the grievance is brought,  
281 and one copy of the grievance will be kept for the final report.

282  
283 Within twenty (20) *business* days, the University of North Dakota will provide a  
284 minimum of eight copies of its response to the SCoFR Chair. All information must be  
285 delivered by 4:30 P.M. on the day it is due to the office of the SCoFR Chair. The  
286 SCoFR Chair will be responsible for disseminating all copies to the parties and SCoFR  
287 members. The SCoFR Chair will disseminate the grievance and response to SCoFR  
288 members at the same time.

289  
290 In its response, the University will explain its position and also specify whether it  
291 agrees to stipulate to a paper review. Both the grievant and UND must agree to a  
292 paper review. In the absence of mutual agreement to a paper review, there will be a  
293 full hearing.



295 SCoFR shall appoint, at the expense of the University of North Dakota, a hearing  
296 officer with authority to conduct pre-hearing meetings, supervise exchange or  
297 collection of information, advise SCoFR, or preside over the hearing. The hearing  
298 officer may be internal or external to SCoFR or the faculty at UND.

### 300 The Pre-Hearing

301  
302 The grievance process begins with a pre-hearing meeting. The pre-hearing will be  
303 scheduled in a timely manner after the dissemination of all information to the  
304 members of SCoFR, but in no case sooner than twenty (20) business days after filing of  
305 the grievance. The prehearing may be held outside of normal UND business hours.

306  
307 Unless decided otherwise by SCoFR, the attendees at the pre-hearing will be SCoFR  
308 (or just the SCoFR Chair, or one or more committee members, or another person if  
309 designated by SCoFR), the hearing officer, and the parties and their representatives.  
310 The purpose of the pre-hearing is to simplify and clarify the issues; make stipulations;  
311 exchange documentary or other information; and other objectives to make the  
312 hearing fair, effective, and expeditious.

#### 314 At the pre-hearing:

- 315  
316 a. The SCoFR Chair will confirm with all parties that a decision by SCoFR will  
317 be based only on the parties' written statements and accompanying  
318 documentation, or that it will be based on a full hearing involving witnesses in  
319 addition to other material.
- 320  
321 b. The grievant will be required to state, in writing, if the grievant wishes an  
322 open or closed hearing. The designation of a closed hearing will result in a  
323 closed deliberation.
- 324  
325 c. Parties will mark exhibits before the pre-hearing. UND exhibits will be  
326 numbered sequentially beginning with UND-1. The grievant's exhibits will be  
327 lettered sequentially beginning with [grievant's name]-A. Parties will bring a  
328 minimum of 8 copies of all exhibits and witness lists to the pre-hearing.
- 329  
330 d. Parties will exchange witness lists and specify subject matter of testimony  
331 and any exhibits, and allow both parties to supplement their documentation  
332 within fifteen (15) *business* days after the original exchange, if necessary;
- 333  
334 e. Set the date(s) of the hearing; and
- 335  
336 f. Try to resolve any other preliminary matters that may arise.



337  
338 The Hearing  
339

340 In the absence of paper review, there will be a full hearing. SCoFR will serve written  
341 notice of the hearing to the faculty member, the Provost or their representatives, and  
342 other parties involved, at least twenty (20) *business* days prior to the hearing.  
343

344 A verbatim transcript of the hearing is required. There will be no transcript of SCoFR  
345 deliberations. The grievant may request the entire transcript or a portion thereof,  
346 but it will only be provided after the President makes a final decision. The transcript  
347 will be made available through the Office of General Counsel at no charge to the  
348 grievant. Although portions of the hearing and the deliberations may have audio or  
349 video recordings taped for the convenience of SCoFR, these recordings will not be  
350 available to the parties.  
351

352 Findings of fact, conclusions, and the decision shall be based on the evidence received  
353 by SCoFR, including documents provided to SCoFR by all parties. In addition, the  
354 evidence will include testimony taken along with associated exhibits entered into the  
355 record.  
356

357 This is a faculty hearing or review process, not a court of law, thus SCoFR may accept  
358 any evidence and determine its value and credibility. While all evidence should be  
359 produced at the pre-hearing, SCoFR may choose to accept evidence and determine its  
360 value and credibility for purposes of clarifying an issue during the hearing. If so, the  
361 party who has not seen the evidence may ask for time, based on surprise, to review or  
362 rebut it. SCoFR may delay or adjourn a hearing if it determines that valid surprise has  
363 occurred. The duration of any adjournment will be determined by SCoFR.  
364

365 SCoFR expects the full, unreserved, and complete cooperation of all parties, including  
366 witnesses, when hearings are held. Failure to comply may result in SCoFR seeking an  
367 appropriate administrative remedy.  
368

369 Final Report  
370

371 SCoFR shall finalize a report including findings of fact, conclusions, and  
372 recommendations within ten (10) *business* days of completion of the hearing. The  
373 report may include, but is not limited to, recommendations for actions to be taken by  
374 the grievant and recommendations for actions to be taken by the President, Provost,  
375 or other University administrators.  
376

377 SCoFR's report may include recommendations for further review and investigation of  
378 matters related to the grievance; recommendations for review and revision of



379 University, College or Departmental policies; or recommendations for sanctions of  
380 individuals involved in the grievance. Recommendations for further review and  
381 investigation, revision of policies, or sanctions will not, however, delay the outcome  
382 of the hearing or action to be taken by the President.

383  
384 A copy of SCoFR's findings of fact, conclusions, and recommendations with supporting  
385 reasons, will be given to all parties. If the grievant has indicated that the release of  
386 information should go to the grievant's representative, SCoFR's findings of fact,  
387 conclusions, and recommendations with supporting reasons, will be sent to the  
388 representative.

389  
390 A copy of SCoFR's findings of fact, conclusions and recommendations with supporting  
391 reasons, will also be forwarded to the President for consideration. The President's  
392 decision is final.

#### 393 394 **II-8.1.11 Mediation**

395  
396 Mediation is described in SBHE Policy Section 605.5.

397  
398 *Mediation* means a process in which a mediator facilitates communication between  
399 parties to assist the parties in reaching voluntary decisions related to their dispute.

400  
401 SBHE policy recommends mediation as an option of all parties for faculty complaints,  
402 except for dismissals for adequate cause or financial exigency, for which mediation is  
403 not permitted. All parties involved in a 605 grievance must agree to mediation if it is  
404 to occur; however, mediation is mandatory for all faculty 612 grievances.

405  
406 Besides what is stated below, details and procedures involving mediation are  
407 described in SBHE Policy Sections 605.5 and 612. All mediation time lines are  
408 suspended for nine-month faculty when they are not on contract, unless all parties  
409 expressly waive the suspension.

410  
411 Neither SCoFR nor any Special Review Committee shall receive nor use in any way  
412 written products produced (except for notification of the results of the mediation) or  
413 observations made by a mediator in any mediation. No person interested in any  
414 mediated matter which later comes before SCoFR or any Special Review Committee  
415 shall offer or use in any way written products produced (except for notification of the  
416 results of the mediation), or observations made by a mediator in a mediation.

#### 417 418 **II-8.1.12 Requests for Mediation involving dismissal, termination, nonrenewal, or** 419 **sanctions** 420



421 Mediation involving dismissal, termination, nonrenewal, or sanctions is described in  
 422 SBHE Policy Section 605.3. The process of mediation is described in section 605.5.  
 423  
 424 Requests for mediation involving issues covered by SBHE Policy Section 605 must be  
 425 made in writing to the Chair of the University Senate. Requests must fully identify  
 426 the requester and all other persons involved in the matter or action, and describe the  
 427 matter or action for which mediation is requested. A copy of the written request  
 428 must be provided to each person identified in the request. When the Senate Chair is  
 429 involved in the matter or action for which mediation is requested, the request should  
 430 be made to the Vice Chair of the University Senate. When the Senate Chair has a  
 431 disqualifying conflict of interest in the subject matter of a particular mediation  
 432 request, the Senate Chair shall forward such request to the Vice Chair. In any case in  
 433 which the request is made or passed to the Vice Chair, the Vice Chair shall perform  
 434 the responsibilities of the Chair assigned in this policy for the duration of that matter.  
 435  
 436 The first mediation session begins a twenty (20) *business*-day period for mediation to  
 437 occur. However, this timeline may be extended by mutual agreement of the parties.  
 438 Only those involved in the grievance will be able to attend the mediation. At the  
 439 conclusion of the mediation period, the mediator shall notify the appropriate UND  
 440 representatives in accordance with UND policy whether the issues have been resolved.  
 441